THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 136

Washington, Saturday, July 15, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OHIO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

OHIO

County	Average value	Investment limit
Allen	$18,000	$12,000
Ashtabula	12,000	12,000
Belmont	12,000	12,000
Carroll	10,000	10,000
Champaign	18,000	12,000
Clark	16,500	12,000
Columbiana	12,000	12,000
Cuyahoga	16,000	12,000
Darke	18,000	12,000
Defiance	17,000	12,000
Delaware	14,000	12,000
Geauga	14,000	12,000
Hamilton	16,000	12,000
Hancock	18,000	12,000
Hardin	16,000	12,000
Highland	16,000	12,000
Hocking	10,000	10,000
Holmes	13,500	12,000
Lawrence	11,000	11,000
Licking	14,000	12,000
Lucas	18,000	12,000
Mahoning	14,000	12,000
Miami	20,000	12,000
Montgomery	15,750	12,000
Morrow	12,000	12,000
Paulding	17,000	12,000
Pike	13,000	12,000
Portage	14,000	12,000
Putnam	18,000	12,000
Scioto	12,000	12,000
Summit	17,000	12,000
Trumbull	13,000	12,000
Van Wert	20,000	12,000
Warren	17,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 11th day of July 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-6125; Filed, July 14, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.386 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section

(Continued on p. 4483)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must wait the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1$^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent by count, of the plums contained in such pack measure not less than 1$^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than 1$^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6166; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.387 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this regulation should be applicable to all such shipments of such plums in order to effec-

tuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size than will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1$^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1$^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than 1$^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1$^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1$^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than 1$^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6167; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.388 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this regulation should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 3/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 1/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 1/16 inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 1/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 1/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6168; Filed, July 14, 1950; 8:57 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.389 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 16, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 6, 1950, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 6, 1950, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 16, 1950, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., November 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid: *Provided*, That, in computing such quantity, three (3) California peach boxes (including other packages and containers of comparable capacity) shall be deemed to be the equivalent of two (2) standard 4-basket crates. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period,

ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promply such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6169; Filed, July 14, 1950; 8:57 a. m.]

[Lemon Reg. 339]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.446 *Lemon Regulation 339*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 12, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., July 23, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement.

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base scheduled which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 13th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage Date: July 9, 1950

[12:01 a. m. July 16, 1950, to 12:01 a. m. July 30, 1950]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.285
American Fruit Growers, Inc., Fullerton	.511
American Fruit Growers, Inc., Upland	.090
Hazeltine Packing Co	1.499
Ventura Coastal Lemon Co	1.533
Ventura Pacific Co	2.072
Glendora Lemon Growers Association	2.452
La Verne Lemon Association	.910
La Habra Citrus Association	1.298
Yorba Linda Citrus Association	1.357
Escondido Lemon Association	2.244
Alta Loma Heights Citrus Association	.578
Etiwanda Citrus Fruit Association	.340
Mountain View Fruit Association	.305
Old Baldy Citrus Association	.725
San Dimas Lemon Association	1.844
Upland Lemon Growers Association	6.315
Central Lemon Association	.936
Irvine Citrus Association	.489
Placentia Mutual Orange Association	.565
Corona Citrus Association	.491
Corona Foothill Lemon Co	2.539
Jameson Co	.832
Arlington Heights Citrus Co	.632

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
College Heights Orange & Lemon Association	3.787
Chula Vista Citrus Association	1.065
El Cajon Valley Citrus Association	.036
Escondido Cooperative Citrus Association	.203
Fallbrook Citrus Association	1.494
Lemon Grove Citrus Association	.453
Carpinteria Lemon Association	2.555
Carpinteria Mutual Citrus Association	2.718
Goleta Lemon Association	3.547
Johnson Fruit Co	4.540
North Whittier Heights Citrus Association	1.095
San Fernando Heights Lemon Association	2.222
Sierra Madre-Lamanda Citrus Association	1.883
Briggs Lemon Association	2.663
Culbertson Lemon Association	1.323
Fillmore Lemon Association	1.390
Oxnard Citrus Association	5.096
Rancho Sespe	.855
Santa Clara Lemon Association	3.742
Santa Paula Citrus Fruit Association	4.097
Saticoy Lemon Association	3.000
Seaboard Lemon Association	2.768
Somis Lemon Association	2.956
Ventura Citrus Association	1.094
Limoneira Co	2.863
Teague-McKevett Association	1.039
East Whittier Citrus Association	.691
Leffingwell Rancho Lemon Association	.855
Murphy Ranch Company	1.688
Whittier Citrus Association	.421
Chula Vista Mutual Lemon Association	.494
Index Mutual Association	.494
La Verne Cooperative Citrus Association	2.629
Orange Belt Fruit Distributors	.995
Ventura County Orange & Lemon Association	2.215
Whittier Mutual Orange & Lemon Association	.184
Evans Brothers Packing Co	.004
Johnson, Fred	.000
Lorbeer, Carroll W. C	.005
San Antonio Orchard Co	.016
Sweet, L. G	.003

[F. R. Doc. 50-6219; Filed, July 14, 1950; 8:46 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.306 *Limitation of shipments*—(a) *Findings.* (1) Notice of proposed rule making with respect to shipments of potatoes grown in Area No. 1, State of Colorado, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (15 F. R. 4231). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all matters presented, including the proposed rule set forth in the aforesaid notice, which proposed rule was recommended by the administrative committee for Area No. 1 (established pursuant to said marketing agreement and order), it is hereby found that the limitation of shipments hereinafter set forth, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this action until 30 days after publication thereof in the FEDERAL REGISTER in that (i) shipments of potatoes from the production area will have begun by July 17, 1950, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner hereinafter set forth on and after the effective date of this section, (iii) notice has been given of the proposed limitation of shipments by publication thereof, as required by law (15 F. R. 4231), and (iv) the order should become effective on July 17, 1950, in order to effectuate the declared policy of the act.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 17, 1950, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grade (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949—14 F. R. 3979) and which are of sizes smaller than 2 inches minimum diameter, as such sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances provided therein: *Provided*, That the aforesaid limitations shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used in this section shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C., and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1950, to be effective on July 17, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6162; Filed, July 14, 1950; 8:56 a. m.]

[Orange Reg. 336]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.482 *Orange Regulation 336*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 13, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 16, 1950, and ending at 12:01 a. m., P. s. t., July 23, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1,300 carloads;

(c) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 966; 14 F. R. 3614)

Done at Washington, D. C., this 14th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. July 16, 1950, to 12:01 a. m. July 23, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1553
A. F. G. Corona	.0599
A. F. G. Fullerton	.8031
A. F. G. Orange	.4333
A. F. G. Riverside	.2152
A. F. G. San Juan Capistrano	.8753
A. F. G. Santa Paula	.5310
Eadington Fruit Co., Inc.	4.8318
Hazeltine Packing Co	.4103
Placentia Pioneer Valencia Growers Association	.6624
Signal Fruit Association	.1151
Azusa Citrus Association	.5164
Damerel-Allison Co	.8467
Glendora Mutual Citrus Association	.4469
Puente Mutual Citrus Association	.1769
Valencia Heights Orchard Association	.4727
Covina Citrus Association	1.0217
Covina Orange Growers	.7086
Glendora Citrus Association	.5180
Gold Buckle Association	.7989
La Verne Orange Association	.7667
Anaheim Citrus Fruit Association	.8265
Anaheim Valencia Orange Association	.6884
Fullerton Mutual Orange Association	1.3354
La Habra Citrus Association	1.1059
Orange County Valencia Association	.1649
Yorba Linda Citrus Association	.9807
Escondido Orange Association	2.7399

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Alta Loma Heights Citrus Association	0.0683
Citrus Fruit Growers	.2043
Cucamonga Citrus Association	.0972
Etiwanda Citrus Fruit Association	.0431
Old Baldy Citrus Association	.1677
Rialto Heights Orange Association	.0729
Upland Citrus Association	.4401
Upland Heights Orange Association	.2372
Consolidated Orange Growers	1.5914
Frances Citrus Association	1.1035
Garden Grove Citrus Association	1.1036
Goldenwest Citrus Association, The	1.4102
Irvine Valencia Growers	2.9695
Olive Heights Citrus Association	1.7633
Santa Ana-Trustin Mutual Citrus Association	.8204
Santiago Orange Growers Association	3.7383
Tustin Hills Citrus Association	2.0368
Villa Park Orchard Association, The	1.6098
Bradford Bros., Inc	.7042
Placentia Cooperative Orange Association	.6204
Placentia Mutual Orange Association	2.4734
Placentia Orange Growers Association	1.2715
Yorba Orange Growers Association	.6190
Call Ranch	.0893
Corona Citrus Association	.6558
Jameson Co	.0564
Orange Heights Orange Association	.6047
Crafton Orange Growers Association	.5039
East Highlands Citrus Association	.1035
Fontana Citrus Association	.1101
Redlands Heights Groves	.2940
Redlands Orangedale Association	.2667
Break & Son, Allen	.0693
Bryn Mawr Fruit Growers Association	.1935
Mission Citrus Association	.1812
Redlands Cooperative Fruit Association	.4051
Redlands Orange Growers Association	.2329
Redlands Select Groves	.2872
Rialto Citrus Association	.1845
Rialto Orange Co	.1924
Southern Citrus Association	.2045
United Citrus Growers	.1853
Zilen Citrus Co	.0311
Arlington Heights Citrus Co	.1278
Brown Estate, L. V. W	.1635
Gavilan Citrus Association	.1537
Highgrove Fruit Association	.0714
Krinard Packing Co	.3016
McDermont Fruit Co	.1993
Monte Vista Citrus Association	.2687
National Orange Co	.0407
Riverside Heights Orange Growers Association	.0739
Sierra Vista Packing Association	.0760
Victoria Avenue Citrus Association	.2199
Claremont Citrus Association	.1221
College Heights Orange & Lemon Association	.3755
Indian Hill Citrus Association	.2247
Pomona Fruit Growers Exchange	.3823
Walnut Fruit Growers Association	.5466
West Ontario Citrus Association	.3121
El Cajon Valley Citrus Association	.2546
Escondido Cooperative Citrus Association	.3427
San Dimas Orange Growers Association	.3535
Canoga Citrus Association	.8914
Covina Valley Orange Co	.0481
North Whittier Heights Citrus Association	.9434

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
San Fernando Fruit Growers Association	0.7531
San Fernando Heights Orange Association	1.1649
Sierra Madre-Lamanda Citrus Association	.5296
Camarillo Citrus Association	1.2837
Fillmore Citrus Association	3.6794
Mupu Citrus Association	2.2518
Ojai Orange Association	.9370
Piru Citrus Association	1.9401
Rancho Sespe	.9164
Santa Paula Orange Association	1.0965
Tapo Citrus Association	1.0951
Ventura County Citrus Association	.3315
Limoneira Co	.5041
East Whittier Citrus Association	.5497
Whittier Citrus Association	1.3881
Anaheim Cooperative Orange Association	1.2919
Bryn Mawr Mutual Orange Association	.1069
Chula Vista Mutual Lemon Association	.0562
Euclid Avenue Orange Association	.7648
Foothill Citrus Union, Inc	.0761
Fullerton Cooperative Orange Association	.3079
Garden Grove Orange Cooperative, Inc	.7290
Golden Orange Groves, Inc	.2737
Highland Mutual Groves, Inc	.0204
Index Mutual Groves, Inc	.4412
La Verne Cooperative Citrus Association	1.7680
Mentone Heights Association	.0401
Olive Hillside Groves, Inc	.5789
Orange Cooperative Citrus Association	1.7821
Redlands Foothill Groves	.8016
Redlands Mutual Orange Association	.1933
Ventura County Orange & Lemon Association	1.3550
Whittier Mutual Orange & Lemon Association	.1713
Agricultural Laboratory	.0040
Babijuice Corp. of California	.5725
Banks, L. M	.5463
Bennett Fruit Co., Inc	.0250
Borden Fruit Co	.6043
Calif. Associated Growers	.0089
Cherokee Citrus Co., Inc	.1393
Chess Co., Meyer W	.6071
Dunning Ranch	.0513
Evans Bros. Packing Co	.4684
Gold Banner Association	.2530
Granada Hills Packing Co	.0359
Granada Packing House	.9517
Hill Packing House, Fred A	.1083
Knapp Packing Co., John C	.4767
L Bar S Ranch	.1163
Lawson, William J	.0093
Orange Belt Fruit Distributors	1.9280
Otte, Arnold	.0280
Pacific Citrus Distributors	.0040
Panno Fruit Company, Carlo	.7863
Paramount Citrus Association	1.2655
Patitucci, Frank L	.0100
Placentia Orchards Co	.3771
Prescott, John A	.0000
Riverside Citrus Association	.0499
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.2730
Stephens, T. F	.2193
Stewart, J. B	.0000
Summit Citrus Packers	.0066
Wall, E. T., Grower-Shipper	.1510
Western Fruit Growers, Inc	.6876

[F. R. Doc. 50-6236; Filed, July 14, 1950; 11:16 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 21—AIR-LINE TRANSPORT PILOT RATING

PART 61—SCHEDULED AIR CARRIER RULES

RENUMBERING UNDER NEW NUMBERING SYSTEM

Correction

In Federal Register Document 49-5876, Part II, Section 1 of the issue for Saturday, July 16, 1949, the following corrections should be made:

1. In § 3.217 (b) the expression "V_t", occurring in the third and ninth lines, should read "V_f".

2. In § 4b.121 the reference to §§ 4b.126–4b.129 should read "§§ 4b.126–4b.152".

3. In Figure 4b-5 the value "12*W*", appearing in condition (1), should read "*nW*".

4. In § 21.28 the reference to § 21.16 (b) in the last line of paragraph (b) should read "§ 21.16 (a)".

5. In the seventh line of § 61.31 (b) the word "models" should read "types".

6. In § 61.213 (a) the reference to §§ 61.214–61.218 should read "§§ 61.214–61.222".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5688]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GENERAL TACK CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1900 *Source or origin—Foreign product as domestic.* In connection with the offering for sale, sale or distribution in commerce, of thumb tacks or other similar products, offering for sale or selling any such products of foreign origin without clearly and conspicuously disclosing on the boards on which such products are mounted, or other packages or containers in which they are sold to the consuming public, the country of origin of such products; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Stanley Weinstein doing business as General Tack Company, Docket 5688, May 23, 1950]

In the Matter of Stanley Weinstein, Doing Business as General Tack Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer said respondent admits all of the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearings as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Stanley Weinstein, individually and trading as General Tack Company, or trading under any other name or trade designation, and said respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of thumb tacks or other similar products, do forthwith cease and desist from:

Offering for sale or selling any such products of foreign origin without clearly and conspicuously disclosing on the boards on which such products are mounted, or other packages or containers in which they are sold to the consuming public, the country of origin of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 23, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-6131; Filed, July 14, 1950; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

PARTIAL REVISION

Section 562.1 through 562.36 are revoked and the following §§ 562.1 through 562.43 are prescribed in lieu thereof:

GENERAL PROVISIONS

ORGANIZATION AND TRAINING OF UNITS

APPLICATION FOR ESTABLISHMENT OF ROTC UNIT

AUTHORITY: §§ 562.1 to 562.43 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381–388, 441.

DERIVATION: AR 145-5, AR 145-350, and SR 145-240-1, April 26, 1950.

GENERAL PROVISIONS

§ 562.1 *Purpose.* The Reserve Officers' Training Corps trains students for positions of leadership in the armed forces in time of national emergency.

(a) *Senior division.* The mission of the senior division, Army ROTC, is to train college students as junior officers who have the qualities and attributes essential to their progressive and continued development as officers in a component of the United States Army, particularly in the Reserve components, i. e., the Organized Reserve Corps and the National Guard. In addition, the senior division will provide a major source of procurement of junior officers for the Regular Army through the recurring selection of a number of distinguished military graduates from senior units for direct Regular Army appointment.

(b) *Junior division.* The mission of the junior division, is to lay the foundation of intelligent citizenship within the student and give him such basic military training as will be of benefit and value to him and to the military service, if he becomes a member thereof.

(c) *Units.* The various arms and services of the Army will be represented in the Reserve Officers' Training Corps by units of such arms and services established at participating educational institutions. However, it is not practicable to maintain units of every arm and service at each institution

§ 562.2 *Definitions.* For use in this part, unless otherwise specified, the following definitions will apply:

(a) *Advanced course.* The Army ROTC course of study normally pursued by the student during his junior and senior academic years, or during the last 3 years of a normal 5-year course.

(b) *Army commander.*

(1) All continental armies.

(2) Military District of Washington.

(3) United States Army, Pacific.

(4) United States Army, Alaska.

(5) United States Army, Caribbean.

(c) *Advanced camp, summer camp, camp.* The Army ROTC course of instruction that supplements the advanced course by stressing practical training in appropriate general and specialized military subjects.

(d) *Assistant professor of military science and tactics (asst. PMS&T).* The academic title customarily conferred upon commissioned officers (other than the PMS&T for associate PMS&T) and warrant officers of the Army who conduct instruction.

(e) *Basic course.* The Army ROTC course of study normally pursued by the student during his freshman and sophomore academic years.

(f) *Commutation in lieu of uniform.* Monetary payment by the Government to compensate for nonissuance of the actual uniform.

(g) *Commutation of subsistence.* Monetary payment by the Government to students of the advanced course, senior division, in lieu of rations.

(h) *Department of military science and tactics.* The academic subdivision of an educational institution which includes all Army ROTC activities conducted at the institution. At institutions where ROTC activities of the Air Force or Navy or both are also conducted, similar departments of air science and tactics and/or of naval science may be established. At the discretion of the institutional authorities, these departments may be grouped into a larger subdivision of the institution, headed by an officer or civilian member designated by the head of the institution.

(i) *Distinguished military student.* A distinguished military student is an individual designated as such by the professor of military science and tactics, after careful consideration of his qualifications.

(j) *Distinguished military graduate.* A distinguished military graduate is an individual designated as such by the professor of military science and tactics, after careful consideration of his qualifications.

(k) *Enrolled student, formally enrolled student, enrolled member, formally enrolled member, member.* A student pursuing the Army ROTC course who has been formally enrolled in the Army ROTC and is eligible to receive all benefits, financial and other, provided for the program.

(l) *Honor graduate.* A graduate of an institution whose ROTC unit has been awarded the rating of "Military-school honor ROTC unit" by the Department of the Army who has been selected as a candidate to compete for admission to the United States Military Academy.

(m) *Hour of instruction, class hour.* A period of instruction of 50 minutes' duration.

(n) *Instructor.* The academic title customarily conferred upon Army enlisted personnel assigned to an Army ROTC unit who assist in instruction.

(o) *Military-school honor ROTC unit.* A rating awarded to ROTC units which have maintained an exceptionally high standard of military training during the school year.

(p) *Military training certificates.* Certificates issued at the discretion of the PMS&T and the head of the institution to students who complete certain phases of the senior division course.

(q) *Other student.* A student who for any reason is ineligible for formal enrollment in the Army ROTC, but who is permitted to pursue the course without the financial benefits provided for the program.

(r) *Professor of military science and tactics (PMS&T).* The senior commissioned officer of the Army assigned to duty with the Army ROTC.

(s) *Senior division, ROTC.* Branch type (Infantry, Signal Corps, etc.) units at educational institutions of college level.

(t) *Unit.* The military organization which includes all Army ROTC activities at an institution.

(u) *Veteran.* Any person who has completed a period of active Federal service in the Army, Navy, Air Force, Marine Corps, or Coast Guard.

§ 562.3 *Supervision.* (a) The Department of the Army is the agency of the Federal Government charged by law with:

(1) The formulation and preparation of plans, policies, regulations, and instructions implementing the statutory provisions relating to the Army ROTC.

(2) The supervision of the execution of pertinent laws pertaining to ROTC.

(b) The Chief of Staff, United States Army, exercises supervision and control over the ROTC. The Adjutant General is the administrative agency of the Department of the Army for ROTC matters.

§ 562.4 *Control by educational institutions.* (a) Civilian heads of institutions exercise the same control over the department of military science and tactics that they generally exercise over the other departments of the institution.

(b) The PMS&T is responsible to the institutional authorities and to higher military authority for the effective conduct and administration of all ROTC activities at the institution. He reports to and receives instructions from the chief of the appropriate military district concerning ROTC matters. He is responsible for the maintenance of good relations with the authorities, faculty, and student body of the institution, and represents the Department of the Army locally in all matters relating to the ROTC. The PMS&T will advise the authorities of the institution of the provisions of law and all regulations affecting the conduct of the ROTC program.

(c) In their strictly military capacities, military personnel on ROTC duty are subordinate to the chief of the appropriate military district and subject to his orders, except that such orders will not contravene institutional regulations. In their academic capacity, these personnel are subject to those institutional regulations pertaining to other members of the faculty and instructional staff.

§ 562.5 *Training.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862, are not altered by the National Defense Act, as amended, nor by these regulations. At institutions where military training is a required course under institutional regulations or statutory provisions, the following matters are regarded by the Department of the Army as being entirely within the jurisdiction of the institutional or State authorities:

(a) The excusing or exemption from the required course of military training which may be required by law, and from enrollment in the ROTC of individual members of the student body who have received or are undergoing equivalent military training as further described in this part.

(b) The determination of what constitutes equivalent military training as a basis for excusing students from the required course of military training and from enrollment in the ROTC.

(c) Within quota limitations, students who are pursuing academic majors which have special application to the techniques of an arm or service other than that of the unit in which enrolled may, at their request and with the approval of the army commander, be trained at the summer camp of the other arm of service, and may elect to accept a commission therein.

(d) The ROTC affords to educational institutions a means for practical training in organization leadership and discipline which will be of value to their graduated students in an industrial or professional career. The theoretical courses have a content of general educational value.

§ 562.6 *Equipment.* The Department of the Army will provide the necessary equipment to carry out the ROTC program. Authorized allowances for ROTC equipment are contained in tables of allowances and equipment.

§ 562.7 *Texts.* Field manuals, technical manuals, and other publications of the Department of the Army, as well as other publications authorized by the Department of the Army, including special textbooks for issue to students, are the only officially approved documents for use in the junior and senior ROTC programs. These approved documents may be supplemented by other publications for use as reference material if their use is considered appropriate and necessary, but in no case will any student be required to purchase such publications. The Department of the Army will develop and supervise the publication of necessary textbooks and will provide each enrolled student with the prescribed ROTC textbooks.

§ 562.8 *Certificate of eligibility.* (a) The PMS&T at a class MJC institution may grant to selected students who have

successfully completed the advanced course, senior division, and who have successfully completed 2 years of academic work on a college level, a certificate of eligibility which will enable the student to:

(1) Upon enlistment in the Army, enter an officer candidate school course, within quota limitations set by the Department of the Army, and receive a commission in the Organized Reserve Corps upon completion of that course and upon attaining the required age, if he does not complete the last 2 years of undergraduate college study (certificates of eligibility to an officer candidate school course will be valid only for a period of two years); or

(2) Receive a Reserve commission upon successful completion of two additional years of undergraduate college study.

(b) The PMS&T at class MI, MJC, MC, or CC institutions may grant certificates of eligibility for entrance to an officer candidate school course, within quota limitations set by the Department of the Army and valid only for a period of 2 years, to those selected students who:

(1) Have completed the basic course, senior division, ROTC;

(2) Have completed 2 years of college studies; and

(3) Do not pursue their college studies to completion.

§ 562.9 *Certificate of recognition.* ROTC students who do not complete all the ROTC courses required for appointment as an officer may be granted certificates of recognition. Such certificate will be of value in applying for admission to an Army officer candidate course or for appointment as a noncommissioned officer in the Organized Reserve Corps.

ORGANIZATION AND TRAINING OF UNITS

§ 562.10 *Divisions and units.* The Reserve Officers' Training Corps consists of senior and junior division training units established at participating civilian educational institutions in conformity with the provisions of the National Defense Act and the regulations in this part.

(a) *Senior division.* Senior division units, ROTC, are established as branch type units (Infantry, Signal Corps, etc.) at educational institutions of college level. All military instruction required to qualify students for a commission in a specific branch of the Organized Reserve Corps, except summer camp training, will be given at institutions of college level. The basic course only of the senior division, ROTC, is conducted in units authorized at certain essentially military schools of secondary level specifically designated by the Secretary of the Army.

(b) *Junior division.* Junior division units, ROTC, are established at educational institutions of not lower than secondary level. General instruction in military fundamentals will be provided.

§ 562.11 *Department of Military Science and Tactics.* Military instruction given at an educational institution in accordance with programs of instruction prescribed by the Department of the Army will be conducted and supervised by the Department of Military Science and Tactics, which will include all Army ROTC units at that institution.

§ 562.12 *Classification of ROTC units.* Senior and junior division units are classified according to the type of institution at which such units are established.

(a) *Senior division.* The senior division units are classified as follows:

(1) *Class MC.* Units established at essentially military colleges or universities which confer baccalaureate or graduate degrees; at which the average age of the students at the time of graduation is not less than 21 years; which require all students to pursue military training throughout the undergraduate course and require all members of the ROTC to be habitually in uniform; which constantly maintain military discipline; which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(2) *Class CC.* Units established at civilian colleges and universities which are not operated on an essentially military basis; which confer baccalaureate or graduate degrees; and at which the average age of the student at graduation is not less than 21 years.

(3) *Class MJC.* Essentially military schools specially designated by the Secretary of the Army as in class MJC, which operate junior college departments but do not confer baccalaureate degrees; and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of class MC and accept and maintain the entire program of instruction prescribed by the Department of the Army for the units of the senior division, ROTC. The junior division, ROTC, program may be conducted in whole or in part at class MJC institutions with Department of the Army approval.

(4) *Class MI.* Essentially military schools specially designated by the Secretary of the Army as in class MI, which do not confer baccalaureate degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of class MC or MJC and accept and maintain the specially designated program of instruction for this classification of ROTC institution, or maintain the entire program of instruction for the junior division (class MS), ROTC, and the basic course of the senior division, ROTC. Those institutions conducting the former program will be required to have a minimum enrollment of 100 students, and those institutions conducting the latter program must have a minimum enrollment in the junior division of 100 students and in the basic course senior division, 50 students.

(b) *Junior division.* Junior division units are classified as follows:

(1) *Class MS.* Essentially military schools which are not specially designated by the Secretary of the Army as in class MI or MJC, at which the average age students at graduation is less than 21 years, but which accept and maintain the course of instruction prescribed by the Department of the Army for the junior division, ROTC, in essentially military schools.

(2) *Class HS.* Units established at high schools and other educational institutions of comparable academic level which are not essentially military or which do not meet the requirements prescribed by any of the other preceding classes.

§ 562.13 *Conditions for establishment and retention of units.* Before an ROTC unit may be established at an educational institution, such institution must be accredited by a recognized civilian national, regional, or State accrediting agency, and there must be insured to each such ROTC unit an enrollment of at least 100 physically fit male students, except in Alaska (sec. 40, National Defense Act; 39 Stat. 191; 10 U. S. C. 381), who are citizens of the United States, who are not less than 14 years of age, except that the minimum enrollment required for units of the administrative and technical services (Chemical Corps, Corps of Engineers, Ordnance Department, Quartermaster Corps, Signal Corps, Corps of Military Police, Transportation Corps, Army Security Agency, and all medical units) is 50 students who meet the above qualifications. The minimum enrollment of 100 students will be maintained by each school within a junior division multiple ROTC unit.

(b) The Department of the Army will periodically inspect and review the productiveness of each senior division unit to insure that the mission of the ROTC as expressed in §§ 562.1 through 562.9 of this part is being accomplished. Any institution dropped from the accredited list of the recognized civilian accrediting agency will be placed on a probationary status for a period of 12 months, during which time it must gain reinstatement as an accredited institution or suffer the loss of its ROTC contract. ROTC units at an institution which is placed on such probationary status will not be considered for the designation "military-school honor ROTC unit(s)," and such institutions will not be authorized to designate "honor graduates" or "distinguished military students" during such probationary period. The accredited status of each institution will be ascertained by the Army inspection groups during each annual formal ROTC inspection.

§ 562.14 *Senior and junior units at same institutions.* When an institution of college level maintains a secondary or preparatory department, ROTC units of both divisions may be authorized. When units of both divisions have been authorized, the required minimum enrollment must be maintained in the unit or units of each division as required in § 562.12 (a) (4).

§ 562.15 *Establishment and withdrawal of units.* (a) Applications for the establishment of any type ROTC unit will be submitted on the form prescribed in § 562.43, by educational institutions to army commanders, who will in turn forward such applications to the Chief, Army Field Forces, with appropri-

ate recommendations. Army commanders are authorized to visit and inspect educational institutions to determine their suitability to conduct the ROTC program. The Chief, Army Field Forces, will forward the applications to the Adjutant General, Washington 25, D. C., Attention: AGAO–R, with appropriate recommendations. The Chief, Army Field Forces, is authorized and directed to coordinate all ROTC activation activities with chiefs of services when ROTC units of such services are involved.

(b) An institution desiring the withdrawal of one or more of the units established thereat will apply in writing to the appropriate army commander, at least 3 months prior to the date withdrawal of the unit is to take effect. The Department of the Army may withdraw any unit should it be considered that its work is not compatible with the objects for which the corps is established. At any time that the enrollment in a unit falls below the minimum enrollment required by law, or whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the army commander or the professor of military science and tactics a unit should be withdrawn for any other reason, the professor of military science and tactics will make a report in writing to the army commander, through the head of the institution, including therein, the following information when pertinent:

(1) Attitude of the authorities of the institution regarding the failure to meet the requirements of law and regulations respecting enrollment.

(2) Attitude of the faculty of the institution toward the ROTC.

(3) Attitude of the student body toward the ROTC.

(4) A statement of the efforts made by the professor of military science and tactics to overcome difficulties and to maintain a successful unit, and his recommendation as to the continuance or withdrawal of the unit in question.

(5) Additional facts necessary to arrive at a proper understanding of the situation at the institution.

(c) The army commander concerned will make such investigations concerning requests or recommendations for withdrawal of units as he may deem necessary, and will forward such requests or recommendations together with his own recommendations thereon to the Adjutant General, Washington 25, D. C., Attention: AGAO–R, through the Chief, Army Field Forces.

§ 562.16 *Nonestablishment of new junior units.* (a) Until such time as instructor personnel and funds for the necessary supplies and equipment are available to implement the senior division, ROTC, at the capacity required to produce annually the graduates needed by the Department of the Army, it is not planned to increase the number of junior division units currently established.

(b) Authorities of educational institutions who indicate a desire to participate in the junior division, ROTC, program will be advised by army commanders of the policy stated above. Applications submitted for junior ROTC units will be held by the Department of the Army for consideration at such time as an activation program is authorized.

§ 562.17 *Requirements for conversion from class MS to class MI ROTC rating.* (a) A class MS ROTC school desiring to convert to a class MI ROTC school will secure the approval of the Secretary of the Army for such conversion. Such approval will be contingent on the following:

(1) The institution will agree to: (i) Adopt into its curriculum and maintain the theoretical and practical institution for the basic course, senior ROTC, prescribed for class MI, ROTC, by the Secretary of the Army.

(ii) Provide those facilities required to accomplish successfully the prescribed standard course of theoretical and practical military instruction, as determined by a special inspection by representatives of the Department of the Army.

(iii) Maintain the student body habitually in uniform and under a standard of military discipline comparable to that of the Army and acceptable to the Department of the Army.

(iv) Conform to the regulations of the Secretary of the Army relating to issue, care, use, safeguarding, and accounting for such Government property as may be issued to the institution.

(v) Require that the 2 years of the basic course, senior ROTC, when entered upon by any student will, as regards such student, be a prerequisite for graduation from the institution, unless sooner released by the Department of the Army.

(vi) Require as a minimum for formal instruction in the basic course, senior ROTC, 3 hours per week for two academic years.

(vii) Maintain separate units where both junior and senior division programs are authorized.

(2) The institution will be required to: (i) Enroll in the basic course, senior ROTC, only regularly accented students of the institution who have successfully completed such general survey or screening tests as are given to determine eligibility for admittance to basic course, senior ROTC.

(ii) Enroll in the basic course, senior ROTC, only those students who have satisfactorily completed all but the last 2 years of high school instruction at the time of enrollment, and further require that a student when so enrolled maintain the scholastic standard required by the institution as a requisite for continuance.

(iii) Maintain under Military instruction in the basic course, senior ROTC, at least 50 male students, citizens of the United States, physically qualified by the Department of the Army standards, with due allowances for correctible physical defects as prescribed in Special Regulations, and between the age limits 14 to 22 years, inclusive, at the time of enrollment.

(iv) Maintain an academic level of instruction acceptable by a State university or a recognized regional or national accreditation association.

(v) Maintain the prescribed enrollments in both junior and senior division units where authorized.

(vi) Maintain a standard which may result in the award of the designation "military-school honor ROTC unit."

(b) In the event that any of these agreements and requirements listed above are not met for two consecutive years, the Department of the Army may consider such failure just cause for withdrawal of class MI rating.

§ 562.18 *Requirements for conversion from class MI to class MJC ROTC rating.* An MI school applying for MJC classification will be so designated by the Secretary of the Army if it meets the following requirements:

(a) Qualifies under § 562.12 (a) (3).

(b) Submits formal application for a senior unit as prescribed in § 562.15, accompanied by the statement prescribed therein.

(c) Possesses adequate facilities for the maintenance of the training program prescribed in Department of the Army regulations for the type of senior unit requested. The adequacy of facilities is to be determined by an inspector designated by the army commander in whose area the school is located, with the findings of the inspector subject to approval by the army commander and the Department of the Army.

(d) Has received recognition by having been awarded a "military-school honor ROTC unit" designation for 4 out of the 5 years preceding the date of application.

(e) Produces proof of a good standing at the academic level of junior college as a member of a recognized accreditation association.

§ 562.19 *Assignment of students to units.* (a) Quotas for the enrollment of students in the advanced course of the senior division will be established and allotted annually by the Chief, Army Field Forces.

(b) Within quota limitations, qualified students eligible for enrollment in the advanced course of the senior division, ROTC, will be assigned to the arm or service of their choice.

(c) Students enrolled in the basic course, senior division, will be assigned to the arm or service of their choice so far as practicable at the time of admission, and so shown on reports of enrollment.

§ 562.20 *Enrollment requirements.* Students who are required to participate in military training by institutional regulation, and who meet the conditions outlined in §§ 562.21 and 562.22 will be formally enrolled as members of the ROTC. The Department of the Army will continue to encourage and assist in this training.

§ 562.21 *General conditions for enrollment in ROTC.* All students formally enrolled in the junior division, ROTC, and in the basic and advanced courses of the senior division, ROTC, must be:

(a) Citizens of the United States and not less than 14 years of age.

(b) Physically qualified under standards prescribed by the Department of the Army. Due allowance will be made for an otherwise qualified individual having a defect that will not preclude the performance of general duty and his ulti-

mate appointment in the Organized Reserve Corps upon successful completion of his ROTC training. Professors of military science and tactics at educational institutions will accept for enrollment in the ROTC only those students who meet the physical standards for general military service. Veterans currently receiving compensation from the Veterans Administration for temporary or limited physical disability, if physically qualified under the Army Regulations mentioned above, are eligible to enroll in the ROTC and receive, concurrently, allowances authorized for ROTC students and compensation from Veterans Administration for such temporary or limited physical disability. Waivers of physical defects will be granted only in exceptional cases and then only upon the prior approval of the Department of the Army. Applications for waivers of physical defects will be forwarded through channels to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, together with a report of physical examination recorded on Standard Form 88 (Report of Medical Examination), setting forth the exceptional circumstances which warrant the granting of a waiver.

(c) Acceptable to the institution as a regularly enrolled student of the institution.

(d) Qualified morally. (1) Applicants for enrollment who have a record of conviction by any civil court or by any type of court martial, for other than a minor traffic violation, are not eligible for enrollment in the ROTC without specific approval of the Department of the Army. Request for waiver of any conviction by a civil or military court may be submitted by an applicant, through military channels, to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, for review and final determination when the offense is nonrecurring and does not involve moral turpitude, provided such request is accompanied by recommendation of the professor of military science and tactics concerned that a waiver be granted. Each request for a waiver must be accompanied by an affidavit setting forth the circumstances surrounding the conviction(s) reported and containing a statement of the effect that the applicant has not been convicted of any violations other than those reported.

(2) Advanced course students presently enrolled in the ROTC who have been convicted by any civil court or by any type of court martial for other than a minor traffic violation, will be required to submit a request, through military channels, to The Adjutant General, Washington 25, D. C., Attention: AGPR–A, for a waiver of conviction. If waiver is not approved by The Adjutant General, the student concerned will be separated from the ROTC for the convenience of the Government under the provisions of § 562.23.

§ 562.22 *Conditions for enrollment in a specific course.* In addition to the general conditions for enrollment enumerated in § 562.21, all students formally enrolling in the various courses of the ROTC must comply with the following specific requirements:

(a) *For basic course, senior division*—(1) *Age requirements.* Students enrolling in this course must not have reached 23 years of age at the time of initial enrollment in the basic course, except that:

(i) An age limit of 25 will apply to veterans of World War II initially enrolling in colleges prior to January 1, 1951.

(ii) Students accepted for the basic medical, dental, or veterinary course must not have reached 29 years of age at the time of initial enrollment in those courses.

(iii) Students accepted for the basic pharmacy course must not have reached 26 years of age at the time of initial enrollment in that course.

(2) *Academic requirements.* Students enrolling in this course must:

(i) Successfully complete such survey and general screening tests as may be prescribed.

(ii) If entering the first year of the basic course, have at least two academic years remaining in their course at the institution, and if at a class MJC or class M1 institution must be enrolled not below the junior year of the preparatory or high school course.

(b) *For advanced course, senior division*—(1) *Academic requirements.* (i) Applicants for admission to the advanced course of the following technical services must be enrolled in the academic fields listed thereafter:

(*a*) *Chemical Corps.* Any academic course of instruction leading to an engineering or other scientific, accounting, law, business administration, engineering administration, or fiscal administration degree.

(*b*) *Corps of Engineers.* Any academic course of instruction leading to an engineering, technical, or other scientific degree.

(*c*) *Ordnance Dept.* Any academic course of instruction leading to an engineering, technical, or other scientific degree. However, students enrolled in courses other than these may be admitted if marked ability, aptitude, or interest in technical fields of endeavor is demonstrated.

(*d*) *Signal Corps.* Any academic course leading to a degree in engineering, electronics, or physics. However, students enrolled in courses other than these may be admitted if marked ability, aptitude, or interest in technical fields of endeavor is demonstrated.

(ii) Students desiring admission to ROTC units of other arms and services may be pursuing courses in any recognized academic field.

(iii) Students must:

(*a*) Successfully complete such survey and general screening tests as may be prescribed.

(*b*) If entering a class MJC institution, to be regularly enrolled student in the junior college department of that institution. If in an institution of college level, have at least two academic years to complete, for graduation.

(*c*) Be selected by the professor of military science tactics and the head of the institution.

(*d*) Have completed the basic course, senior division, ROTC, or have received credit in lieu thereof as prescribed.

(*e*) In a unit of technical service, be enrolled in an appropriate academic field.

(*f*) Execute a written agreement with the Government as prescribed in § 562.32 (a) (1).

(2) *Age requirements.* Students must not have reached 27 years of age at the time of initial enrollment in the advanced course, except that:

(i) Students accepted for formal enrollment in the advanced medical, dental, or veterinary course must not have reached 31 years of age at the time of initial enrollment in those courses.

(ii) Students accepted for formal enrollment in the advanced pharmacy course must not have reached 28 years of age at the time of initial enrollment in that course.

(c) *For junior course.* All students formally enrolling in the junior course must be not less than 14 years of age at the time of entrance into the junior ROTC.

§ 562.23 *Requirements for continuance in ROTC program.* (a) Students formally enrolled in the ROTC who fail to maintain satisfactory scholastic standing in the ROTC courses as required by the institution attended will, with the approval of the army commander, be discharged for the convenience of the Government.

(b) Students under contract with the Government will, with the approval of the army commander, be discharged for the convenience of the Government if their attendance at the ROTC institution is interrupted by a period of more than two calendar years before completing the final term or semester of ROTC instruction under the agreement.

(c) Students under contract who have become physically disqualified will, with the approval of the army commander, be discharged for the convenience of the Government.

(d) Students under contract who have failed to demonstrate that further instruction will qualify them for appointment in the Organized Reserve Corps will, with the approval of the army commander, be discharged for the convenience of the Government.

(e) Students under contract will not be discharged from the ROTC prior to graduation therefrom to accept a commission in the National Guard or Organized Reserve Corps nor be excused from his contracted attendance at an ROTC camp to attend a National Guard or Organized Reserve Corps camp in lieu thereof.

(f) Army commanders are authorized to adjust cases involving the withdrawal of members of the ROTC from, or return to, advanced course contracts upon the merits of the individual case. Except when withdrawal from the contract is for the convenience of the Government, the student should be required to refund to the Government any sums previously paid to him as commutation of subsistence.

(g) The withdrawal of a student under contract from the institution terminates his obligation to continue the ROTC training unless he later returns to the institution or enrolls in another institution which maintains a senior division, ROTC unit, in which case he will be required to fulfill the provisions of his contract.

§ 562.24 *Utilization of graduates of scientific and technical courses.* Since it is not practicable to maintain units of all the many branches at most colleges and universities, provision is made for graduate students in scientific and technical courses whose services will be needed and who will wish to be commissioned in branches not represented by units on their campuses. The Department of the Army will make provision for such advanced students to attend an ROTC camp of the appropriate branch and will tender such students, if otherwise qualified, a commission in the appropriate branch within quota limitations.

§ 562.25 *Eligibility of certain graduates for appointment to service academies* — (a) *United States Military Academy*—(1) *General.* In accordance with the provisions of the act of Congress approved July 9, 1918 (40 Stat. 894; 10 U. S. C. 1091b), as amended, honor graduates of educational institutions of the essentially military type which, for the academic year of their graduation, have been awarded the rating of "military-school honor ROTC unit" (formerly referred to as "honor military schools") by the Department of the Army as prescribed in subdivision (i) of this subparagraph, may be appointed as candidates for admission to the United States Military Academy.

(i) *Military-school honor ROTC unit.* Following the annual inspection by the Department of the Army of educational institutions of the essentially military type having officers of the Regular Army detailed thereat as professors of military science and tactics, the rating military-school honor ROTC unit is awarded by the Department of the Army to those institutions which have maintained an exceptionally high standard of military training and discipline during the school year. This rating is effective only for the academic year following that in which made.

(ii) *Honor graduate.* A member of each graduating class of an institution which has been awarded the military-school honor ROTC unit rating may be designated as "honor graduate" by the concerted action of the school's superintendent and the professor of military science and tactics. To be eligible for the designation of "honor graduate," the student must meet all of the following requirements:

(*a*) Be a graduate of an academic year in which the institution was awarded the military-school honor ROTC unit rating or of the academic year following such award. The institution may nominate a graduate of a former calendar year provided the institution received the award within the academic year in which the nominee graduated. An undergraduate may also be nominated provided he is in his senior year and the record of his academic, extracurricular, and ROTC activities justifies the assumption that he will fully meet all requirements of (*a*) through (*f*) of this subdivision upon his graduation.

(*b*) Have been a member of the ROTC for at least 3 years while at the school from which nominated.

(*c*) Have shown proficiency in not less than 15 units in subjects prescribed for admission to the United States Military Academy.

(*d*) Have graduated within the upper third of his class in academic standing.

(*e*) Have demonstrated in his academic, extra-curricular, and ROTC activities that he possesses outstanding qualities of leadership, character, and aptitude for the military service.

(*f*) Be a citizen of the United States and meet all other requirements of law and regulation prescribed for admission to the United States Military Academy (which appear in the Catalog of information, United States Military Academy, West Point, New York, available upon request to The Adjutant General, Washington 25, D. C., Attention: AGSO–M).

(2) *Nomination of honor graduates.* Each institution awarded the rating of military-school honor ROTC unit by the Department of the Army may nominate annually not to exceed three honor graduates of that academic year for appointment as candidates to compete for admission to the United States Military Academy. Shortly after July 1, each year The Adjutant General will invite such institutions to submit the nominations of candidates and will provide copies of AGO Form 0866 (nomination from Honor School) for this purpose. Each nomination must include the certification of the school's superintendent and professor of military science and tactics that the nominee meets the requirements of subparagraph (1) (ii) of this paragraph.

(3) *Appointment of honor graduates.* Each candidate nominated as indicated above will be issued a letter of appointment by The Adjutant General authorizing him to undergo the regular entrance examination which is held, beginning the first Tuesday in March each year. All such candidates will compete among themselves at that examination, and the available vacancies in the Corps of Cadets at the United States Military Academy allotted by law to institutions awarded the military-school honor ROTC unit rating will be given to those candidates making the highest proficient averages in the competitive examination without regard to the institution from which appointed.

(b) *United States Naval Academy.* In accordance with the provisions of the act of Congress approved June 6, 1941 (55 Stat. 246; 34 U. S. C. 1033a), honor graduates of educational institutions of the essentially military type which have been awarded the military-school honor ROTC unit rating (formerly referred to as "honor military schools") by the Department of the Army may be appointed as candidates for admission to the United States Naval Academy. Information concerning the manner of selection, appointment, qualification, and admission of such candidates may be obtained from the Chief of Naval Personnel, Department of the Navy, Washington 25, D. C.

§ 562.26 *Eligibility for membership of active or Reserve personnel of the Armed Forces.* (a) A student holding a certification for appointment as a reserve officer or a student formerly commissioned in the Organized Reserve Corps will not be enrolled in the ROTC without the express authority of the area commander in each case, and then only in a unit of an arm other than that in which he is certified for appointment or was formerly commissioned, as the case may be.

(b) No active member of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States may be formally enrolled in the ROTC.

(c) No commissioned officer or former commissioned officer of the Army or Air National Guard, Naval Militia, United States Coast Guard Reserve, or Reserve or former AUS officer of any of the military or naval forces of the United States is eligible for membership in the ROTC, except that a Reserve or National Guard officer of the Army or Air Force who is a regularly enrolled student of a medical school at which there is established a Medical Department ROTC unit may be enrolled in that Medical Department ROTC unit.

(d) Members of the Army Enlisted Reserve Corps or enlisted members of the Army National Guard are eligible for membership in the ROTC provided they are otherwise qualified.

(e) When acceptable to institutional authorities, enlisted members and warrant officers of the Air National Guard, Air Force Reserve, Naval or Marine Corps Reserve, Naval Militia, or Coast Guard Reserve who are otherwise qualified may be enrolled in the basic course of the ROTC on the same basis as any other eligible member of the student body. Enlisted members and warrant officers of the Air National Guard, Air Force Reserve, Naval or Marine Corps Reserve, Naval Militia, or Coast Guard Reserve will not be formally enrolled in the advanced course of the senior division, ROTC, unless or until formally separated from their current status, but may be permitted at the discretion of the professor of military science and tactics to pursue the course under § 562.27 at no expense to the Government.

(f) These policies will not be used to effect the discharge of any student from the advanced course of the ROTC who was properly enrolled under the provisions of regulations in effect at the time of the student's enrollment.

§ 562.27 *Training of students ineligible for enrollment.* (a) When desired by institutional authorities, students who for any reason cannot be enrolled in the ROTC may be permitted to pursue the ROTC course without expense to the Government. Such students, if subsequently enrolled in the ROTC, may be granted credit, applicable toward advanced standing for that portion of the course successfully completed while in

attendance under the provisions of this section.

(b) Such students will be reported separately under "Remarks" in enrollment reports, and will not be charged against the enrollment allotment. They will not receive monetary allowances or be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution.

(c) A student may be commissioned in the Organized Reserve Corps if the obstruction which prevented the student from formally enrolling in the ROTC course is removed and if he is:

(1) Physically and otherwise qualified.

(2) Recommended by the professor of military science and tactics.

(3) Approved by the institutional authorities.

§ 562.28 *Programs, content, and objectives of courses.* The content and objectives of the ROTC courses of instruction of the various arms and services are governed by the provisions of the respective programs of instruction published by the Department of the Army.

(a) *Senior division.* The senior division, ROTC, program will consist of the following two courses: The basic course conducted at class MC, CC, MJC, and MI institutions, and the advanced course, with camp, conducted at class MC, CC, and MJC institutions.

(1) The first year basic course will consist of a minimum of 3 hours per week of formal instruction of a general type applicable to the Army as a whole and will not be specialized by arm, service, or major force. The course will be of the same general scope and content regardless of the class of institution at which it is conducted. The second year basic course and the subjects in each branch are provided for in the appropriate program of instruction. There is no authority under the law to compress or curtail the basic course.

(2) The advanced course will consist of a minimum of 5 hours per week of formal military instruction, principally of a specialized type applicable to the arm or service concerned, and will extend over a period of not less than two academic years except where compressed or curtailed in exceptional individual cases under the provisions of § 562.29 (b).

(3) The advanced camp will consist of practical and theoretical military instruction principally of a specialized type and will be of 6 weeks' duration. Students normally will attend the ROTC camp between the two academic years of the advanced course. See §§ 562.58 to 562.69 for information pertaining to the summer camp.

(b) *Junior division.* The junior division, ROTC, will consist of the junior course only and will be conducted in whole at class MS and HS institutions, and may be conducted in whole or in part at class MJC and class MI institutions with Department of the Army approval. While it is not contemplated that officers of the Reserve component will be procured without additional training from institutions operating on the preparatory school level, the Department of the Army will encourage and continue to furnish assistance to students in the junior division, ROTC, in high schools and other secondary schools prior to their undertaking further military training.

(1) The junior course at MS institutions will consist of 3 hours per week of formal military instruction of a general type nature, for not more than four academic years.

(2) Military training at a class HS institution will comprise a 3-year course of theoretical and practical instruction, consisting of 3 hours per week.

(3) The junior course will be approximately equivalent in scope to the first year of the basic course, senior division, ROTC, and will entitle the student, upon transfer, to such credit as may be determined by the professor of military science and tactics and the head of the institution concerned.

(4) The Department of the Army will continue to encourage the holding of summer camps by units of the junior division, ROTC, provided the camps are held without expense to the Government.

§ 562.29 *Curtailment of courses.* (a) There is no authority under the law to compress or curtail the basic course into less than two academic years.

(b) The army commander is authorized to approve applications for curtailment of the advanced course when all the following conditions exist:

(1) When the student will be eligible for graduation from the institution before sufficient time shall have elapsed to enable him to complete the regular advanced course.

(2) When the student has completed or agrees to complete all theoretical (classroom) subjects in the advanced course without reduction of the scope prescribed in the program of instruction, and subject to written examination in all subjects, under the supervision of the professor of military science and tactics.

(3) When the student agrees to attend the advanced course camp.

(4) When the student, in the opinion of the professor of military science and tactics, possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

(c) Notwithstanding the granting of authority for a curtailment of the course, the student will not be recommended for appointment in the Organized Reserve Corps unless, on graduation from the institution, he has fulfilled all the conditions prescribed and has in fact demonstrated his qualifications for commission.

(d) A curtailment of the course will not be authorized in the case of any student who was eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

§ 562.30 *Election of courses.* Students electing the ROTC courses do so for only 2 years at a time. The first election is for 2 years' basic course, after which, if the student is recommended for further training, he may elect the advanced course. Completion of the advanced course is a requirement of the student's contract and a requirement for academic graduation by virtue of the fact that the institution has, pursuant to section 40a, National Defense Act (39 Stat. 191; 10 U. S. C. 385), as amended, agreed to adopt into its curriculum the course of instruction (advanced course) prescribed by the Secretary of the Army, which, once entered upon by the student, is, under the terms of his contract, a required part of his institutional course.

§ 562.31 *Admission to advanced course.* When any member of the senior division of the ROTC has completed two academic years of the course in that division and has been selected by the head of the institution and the professor of military science and tactics for advanced training, he may be admitted to the advanced course of the senior division within the limits of the enrollment quota allotted to the institution.

§ 562.32 *Contracts and emoluments—*(a) *Advanced course, senior division.* (1) An individual contract will be executed between the Government and each student enrolled in the advanced course of the senior division, ROTC, by which the student, in consideration of commutation of subsistence to be furnished him in accordance with law, agrees to complete the advanced course at the institution in which he is enrolled or any other institution where he may hereafter be enrolled where such course is given, to devote 5 hours per week during such period to the military training prescribed, and to pursue the courses of camp training during such period as prescribed by the Secretary of the Army. Formally enrolled students of the advanced course will be paid a monetary allowance monthly in lieu of subsistence at a daily rate specified by the Department of the Army for a total period not in excess of 595 days in the case of any student. This allowance will not be paid during the period of the advanced ROTC camp, whether or not attended by the student, except to those advanced students who, in consequence of an accelerated summer program, are pursuing regularly scheduled institutional ROTC instruction during that period.

(2) Enrollment in the advanced course will normally take place at or before the beginning of the school year, semester, term, or quarter following the completion of the basic course, and the students enrolled will, under the terms of their contracts, normally pursue the course continuously to completion so long as they continue as students at the institution. Upon the recommendation of the professor of military science and tactics and the concurrence of the heads of institutions, professors of military science and tactics are authorized to defer enrollment in the advanced course in the case of students who, at the time of becoming eligible for enrollment in the advanced course, will normally require more than 2 years to complete their academic courses. Similarly they may authorize deferments of unexecuted portions of advanced course contracts in the case of students who would otherwise complete the advanced course at a period antedating their academic graduation. Such deferments will extend only until

the beginning of such period as will permit the student to complete the advanced course without curtailment. In no case will a deferment be granted which would result in a curtailment of the advanced course or a contraction of the course into a period of less than 2 years. No student in whose case a deferment has been granted and who fails to apply for enrollment in the advanced course in sufficient time to complete the course without curtailment will be accepted.

(3) No deferment of any portion of the advanced course at institutions beyond the date of graduation from the academic course which the student is pursuing will be authorized. Students in postgraduate or professional courses who completed the basic course of any arm or service as undergraduates may be authorized to enroll in the advanced course of any appropriate arm or service at any time prior to the commencement of the last 2 years of their courses.

(b) *ROTC camp.* Students attending ROTC camp will receive subsistence and quarters in kind, and will be paid at the rate prescribed for soldiers of the E–1 grade.

(c) *Basic course, senior division.* No contract will be executed between the Government and students admitted to the basic course, senior division, ROTC.

(d) *Junior division.* No contract will be executed between the Government and students admitted to the junior division, ROTC. A student who satisfactorily completes the junior division, ROTC, will be given a military training certificate signed by the head of the institution and the professor of military science and tactics. Such a certificate, based on qualification tests, not only serves as an incentive but also provides the student a basis for credit should he continue his military training in the senior division, ROTC.

§ 562.33 *Credit for previous military service or ROTC training.* Students who have had previous military service or training will receive such credit toward completion of the two academic years of training in the senior division required for admission to the advanced course as the professor of military science and tactics and the head of the institution may jointly determine within the following limits:

(a) For previous honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of—

(1) Twelve months or more, credit not to exceed the entire basic course of the senior division, ROTC.

(2) Six months or more, credit not to exceed the first year of the basic course of the senior division, ROTC.

(3) Less than 6 months, no credit.

(b) Credit cited in paragraph (a) of this section is to be granted where the previous service or training is substantially equivalent to that part of the basic course for which credit is given, but in no case will it exceed those limits shown.

(c) The privilege of granting credit will not be exercised indiscriminately, but will be restricted for the most part to the cases of those students who have an academic standing in advance of their ROTC standing.

(d) For previous training at the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, and in the Naval Reserve Officers' Training Corps, equivalent credit not to exceed the entire basic course of the senior division, ROTC, will be given, except for the following: Army commanders are authorized to grant additional credit and to curtail the period of the advanced course, senior division, ROTC, in those cases where a student has completed more than two academic years of training in the Army, Navy, or Coast Guard academies, and in the Naval Reserve Officers' Training Corps, and who at the time of admission into the advanced course, senior division, ROTC normally would require less than two academic years to complete all other requirements for graduation as shown in paragraph (e) of this section.

(e) No credit will be granted for training completed more than 5 years prior to formal enrollment or for training received when the student was less than 14 years of age.

§ 562.34 *Credit for training.* (a) A member of the ROTC who withdraws from an institution and enters another in which a unit of the ROTC of the same division is maintained and who is eligible to enroll therein under the regulations of the institution (and, in the case of an advanced course student, is duly selected therefor) will be given credit, if he does enroll therein, for that part of the course successfully completed in the first institution.

(b) When a unit is withdrawn from an institution at which other units are maintained, members of the unit withdrawn may transfer to one of the remaining units of the institution and may be commissioned on graduation in the section of the Organized Reserve Corps for which their entire training best qualifies them.

(c) A certificate substantially as follows will be prepared by the professor of military science and tactics of the school an ROTC student enters, upon transfer from another institution conducting an ROTC course, before he has completed the advanced course and after he has received commutation in lieu of uniform. This certificate is to be forwarded to the institution from which the student has transferred.

I certify that the uniform procured by _____ on a commutation
(Name of institution)
basis for _____ is now in
(Name of student)
use at this institution where the student is enrolled in the _____ semester advanced course, senior division, ROTC. I further certify that a certificate of completion, or noncompletion, of the advanced course by said student will be furnished at the appropriate time for proper settlement of this account.

(d) No reimbursement to the Government of the unearned portion of the commutation of uniforms is required, if the student's enrollment in the ROTC is terminated under any of the following conditions:

(1) Discharged solely because of physical disqualification not the result of his own misconduct, which is incurred or discovered subsequent to initial enrollment in the junior, basic, or advanced course, as applicable.

(2) Discharge or withdrawal to enter the active service of any of the armed forces.

(3) Withdrawal from the institution for reasons not under his control, as determined by the professor of military science and tactics.

(4) Transfer to another institution at which no ROTC unit of the same branch is maintained.

(5) For the convenience of the Government.

§ 562.35 *Transfer between Army and Air Force ROTC and between medical ROTC and all other types of ROTC units.* (a) The joint policy of the Department of the Army and the Department of the Air Force permits Army and Air Force commanders to approve requests for transfers as follows:

(1) *Army ROTC to Air Force ROTC and vice versa.* Where the professors of military and air science and tactics concerned are in mutual agreement on the requested transfers and the academic requirements are met where applicable.

(2) *Medical ROTC to other Army ROTC units or Air Force ROTC.* Transfers may be authorized if the student is otherwise qualified. However, no credit will be given for previous medical ROTC training.

(3) *Army ROTC and Air Force ROTC to medical ROTC.* If the student transfers his academic subjects to the field of medicine, the student may receive hour for hour credit on a subject for subject basis for previous ROTC training, as the professor of military science and tactics of the medical unit shall determine.

(b) The student requesting a transfer will submit his application to the professor of military science and tactics or the professor of air science and tactics of the branch in which he is enrolled. The application will be forwarded with an appropriate indorsement by the professor of military or air science and tactics to the commanding general of the army or the numbered air force concerned dependent upon the service in which the student is enrolled. If the transfer is approved by such commander, he will forward it direct to the appropriate numbered air force or army commander having jurisdiction over the unit to which transfer is requested. In all cases the request for transfer will be returned to the student through the professor of military or air science and tactics of origin, with the appropriate action indicated thereon.

§ 562.36 *Hours of instruction*—(a) *General.* An "hour" in the program of instruction represents the customary academic hour of 50 minutes.

(b) *Number required.* The minimum number of hours of ROTC instruction required to be given in the basic course is an average of 3 hours per week, and in the advanced course, 5 hours per week, with the exception that the minimum

required number of hours for medical, dental, veterinary, and pharmacy units is 90 hours per annum in both the basic and the advanced courses. Time spent in preparation for instruction will not be counted in satisfaction of this requirement.

(c) *Distribution.* With the approval of the army commander the required hours of instruction may be distributed throughout the year in accordance with the conditions existing at the particular institution.

§ 562.37 *Courses of instruction (junior division)*—(a) *Essentially military school units (class MS).* Junior division training in essentially military school units will consist of a 4 years' course of theoretical and practical instruction corresponding to the four highest academic years in the institution. Its scope will include training equivalent to the basic course, Infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the Department of the Army.

(b) *High school units and junior units established in other institutions (class HS).* Military training at institutions maintaining junior units, other than essentially military schools, comprises a 3 years' course of theoretical and practical instruction substantially equivalent in scope to the basic course of infantry units, senior division. The program of instruction covering this 3 years' course is published by the Department of the Army.

(c) The junior ROTC program of instruction (class HS) normally will be conducted at high schools during the last three academic years. Army commanders are authorized, however, to permit institutional authorities to conduct the course during the first three academic years when local conditions justify this procedure and when so requested by the institutional authorities.

§ 562.38 *Academic credit*—(a) Academic credit toward the granting of a degree should be granted for the completion of military courses on the same basis as for nonmilitary courses conducted at the same level.

(b) Credit in ROTC courses for instruction received in the nonmilitary departments of the institution will be limited to that authorized by the Department of the Army.

§ 562.39 *Absence from instruction.* Absence from training or instruction will be excused only for sickness, injury, or other exceptional reasons. Any student who is absent from any part of the practical or theoretical instruction will be required, according to the practice at the particular instituton, to make up the instruction missed thereby before being credited with completion of either the basic or advanced course.

§ 562.40 *Military training certificates*—(a) *Senior division.* Military training certificates may be issued by professors of military science and tactics and heads of institutions, at their discretion, to students who complete certain phases of the senior division course, as indicated in subparagraphs (1), (2), (3) of this paragraph.

(1) *DA AGO Form 133 (Military Training Certificate—ROTC (Elementary Course Senior Division)).* For successful completion of the basic course, ROTC, together with 2 years of academic work on a college level.

(2) *WD AGO Form 136 (Military Training Certificate-Advanced Course Senior Division).* For successful completion of the senior division course, ROTC, at a class MJC institution, together with 2 years of academic work on a college level.

(3) *DA AGO Form 134 (Military Training Certificate, Reserve Officers Training Corps).* Upon termination of the basic course, senior division, at the completion of one academic year.

(b) *Junior units.* A DA AGO Form 134 will also be issued by the professor of military science and tactics to each student enrolled in a junior unit of the ROTC upon the termination of his instruction therein.

§ 562.41 *Grading.* A system of grading similar to that in force in other departments of the institution will be maintained by the Department of Military Science and Tactics.

§ 562.42 *Band.* (a) Participation in authorized ROTC bands is limited to regularly enrolled ROTC students, except that army commanders may at their discretion waive this provision to allow students other than those regularly enrolled in ROTC units to participate in ROTC bands. Students other than those regularly enrolled in the ROTC cannot be issued uniforms or commutation therefor, although they are allowed to participate in ROTC band activities.

(b) All ROTC students who are members of ROTC bands will be excused from such participation for training periods scheduled for close-order drill and military ceremonies only on occasions when the band attends as a military unit.

APPLICATION FOR ESTABLISHMENT OF ROTC UNIT

§ 562.43 *Application for establishment of ROTC unit.* The following form of application for establishment of an ROTC unit (senior and junior divisions) will be used as prescribed in § 562.15.

APPLICATION FOR ESTABLISHMENT OF RESERVE OFFICERS' TRAINING CORPS UNIT (SENIOR AND JUNIOR DIVISIONS)

----------, 19 ----

Subject: Application for the Establishment of a Reserve Officers' Training Corps Unit.

To: The Adjutant General, Washington 25, D. C.

Thru: Commanding General, ----------
Army, ----------
Chief, Army Field Forces, Fort Monroe, Virginia.

1. By direction of the governing authorities of ----------

(Name of institution) (City) (State)
an application for the establishment of ----------[1] unit in the senior (or junior)[2] division of the Reserve Officers' Training Corps at this institution is hereby submitted.

2. Provided this application is accepted by the President, the authorities of this institution hereby agree to—

a. Establish a Department of Military Science and Tactics as an integral academic and administrative department of the institution.

b. Establish and maintain (1) a basic course of military training of not less than two academic years' duration, enrollment in which shall be (required) (elective)[2] on the part of all physically fit male undergraduate students who are not less than 14 years of age, and (2) an advanced course of military training extending throughout the remainder of the period of the normal undergraduate course, enrollment in which shall be elective on the part of those students who may be selected therefor by the head of the institution and the professor of military science and tactics; and to require that each student who shall have been enrolled in either course shall complete that course as a prerequisite for his graduation from the institution, unless he is excused from this requirement by authority of the Secretary of the Army.

c. Allot a minimum of an average of 3 hours per week to military training and instruction as prescribed by the Secretary of the Army for each year of the basic course.

d. Arrange for 5 hours per week for military training and instruction as prescribed by the Secretary of the Army for each year of the advanced course, except for medical, dental, pharmacy, or veterinary units, for which 3 hours per week will be arranged.

e. Endeavor to promote and further the objectives of the Reserve Officers' Training Corps.

f. Make available to the Department of Military Science and Tactics the necessary classrooms, administrative offices, office equipment, storage space, and other required facilities in a fair and equitable manner in comparison with other departments of the institution, and to furnish annually to The Adjutant General, without cost, three copies of the current school catalog.

g. Grant academic credit applicable toward graduation for successful completion of each semester, quarter, or term of the military course at the rate of ------ credits per ---------- of the basic course, and ------ credits per ---------- of the advanced course.

h. Arrange for the scheduling of military classes in such manner as to make it equally convenient for students to participate in the Reserve Officers' Training Corps as to pursue courses conducted by other departments of the same educational level and to include on all faculty committees whose recommendations would directly affect the Department of Military Science and Tactics representation designated by the professor of that Department.

i. Conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, and accounting for such Government property as may be issued to the institution.

j. Comply with the provisions of law and regulations of the Secretary of the Army pertaining to the furnishing of a bond to cover the value of all Government property issued to the institution, except clothing, expendable articles, and articles specifically exempted.

k. Appoint or designate by resolution or in bylaws, whichever may be countenanced by statutes or approved methods of procedure governing the institution, an officer of the institution to be known as a military property custodian who will be empowered to requisition, receive, stock, and account for Government property issued to the institution and otherwise to transact matters pertaining thereto, for and in behalf of the institution.

[1] Indicate branch when application for a senior unit is submitted.

[2] Strike out word or words not applicable.

3. It is understood, provided the unit hereby applied for is authorized, that the Secretary of the Army will—

a. Assign such military personnel as he may deem necessary for the proper administration and conduct of the Reserve Officers' Training Corps; but prior to assignment will afford the authorities of this institution an opportunity to review the qualifications of the Army officers being considered for assignment to the institution.

b. Reserve the right to relieve at any time any Army personnel assigned to this institution.

c. Issue to the institution, at the expense of the Government, upon receipt of properly executed requisitions from the military custodian, such available Government property as may be authorized by applicable tables of allowances and pay at the expense of the Government the cost of transportation, packing, crating, and normal maintenance of such property exclusive of cost involved in the storage of such property at the institution.

d. Pay at the expense of the Government and subject to appropriate regulations, commutation in lieu of subsistence at the current prescribed rate, to formally enrolled members of the advanced course, Reserve Officers' Training Corps.

e. Pay at the expense of the Government and subject to appropriate regulations, commutation in lieu of the issue of Government uniform clothing at the currently prescribed rate or rates on behalf of formally enrolled members to whom suitable uniform clothing is not issued at the expense of the Government.

4. The authorities of this institution understand that the law requires, as conditions precedent to the establishment and maintenance of the desired Reserve Officers' Training Corps unit, that—

a. Membership in the Reserve Officers' Training Corps is limited to students of the institution who are citizens of the United States of not less than 14 years of age and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

b. The institution must maintain under military training in each unit of the Reserve Officers' Training Corps a minimum of 100 physically fit male students, except that in the case of units other than infantry, cavalry, or artillery the minimum number shall be 50.

For the Institution:

(Name)

(Title)

For the Secretary of the Army:

(Name)

(Title)

STATEMENT—(To be attached to applications for a Reserve Officers' Training Corps unit.)

1. Name and location of institution _____

---

2. Type of institution (check one):

( ) State university (land grant)
( ) State college (land grant)
( ) Private (denominational)
( ) State university (nonland grant)
( ) State college (nonland grant)
( ) Private (other)
( ) Municipal
( ) National
( ) Other (specify_____)

3. List agencies which accredit the various courses given by institution:

4. a. Official designation of governing board:_____

b. Number of members of governing board:

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c. Designation of head of institution:

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5. a. To what extent is institution endowed?_____

b. Indicate amount of public support received annually:_____

6. This institution operates on a ("normal") ("accelerated") schedule. The academic year consists of (2 semesters) (3 semesters)_____ There (is) (is not) a summer session. There are ____weeks of instructions conducted during the academic year.

7. Indicate the status to be accorded the Army ROTC unit(s) within the institutional organization (department, division, etc.):

8. Specify the type(s) of screening of college aptitude tests administered to entering freshmen:

9. a. To what extent are entering freshmen physically examined?

b. Specify medical personnel and facilities which will be available for conduct of medical type physical examinations of ROTC students:

10. a. Indicate the number of male students 14 years or more of age now enrolled in the institution, or were at the close of the preceding year, who are eligible for enrollment in the unit:

b. Specify whether the enrollment in the unit will be voluntary or required on the part of the students:

c. Indicate the number of eligible students who you are assured will enroll in the unit:

11. Indicate the facilities which will be furnished for use of the Army ROTC unit without expense to the Government, as follows:

a. Offices:
Number of rooms:
Size:
_____' x _____'
_____' x _____'
_____' x _____'
_____' x _____'

b. Storage rooms:
(1) For storage of clothing, supplies, small articles of equipment.
Number of rooms:
Size:
_____' x _____'
_____' x _____'
_____' x _____'
_____' x _____'

(2) For storage of large items of equipment such as large weapons, motor vehicles, etc. (describe).

c. Classrooms: _____ Seating capacity:
Number of rooms:

d. Assembly hall:
Seating capacity _____. (Is) (is not) provided with projection equipment for (35-mm) (16-mm) films. Will be available for Army ROTC classes as follows:

e. Gymnasium or other indoor area:
Size: _____' x _____' will be available for Army ROTC classes as follows:

f. Outdoor drill area:
Size: _____' x _____' will be available for Army ROTC classes as follows:
Location with respect to ROTC offices and storerooms:

g. Indoor target range:
Number of firing points_____will be available for Army ROTC classes as follows:

h. Other facilities, as specified below:

(Head of institution)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-6132; Filed, July 14, 1950; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AIR MAIL SERVICE

a. In § 127.20 *Air mail service* (39 CFR 127.20; 14 F. R. 2644, 3353, 6133; 15 F. R. 1461, 2037) make the following changes in paragraph (i):

1. Insert "Japan" and "Korea" between "Luxemburg" and "Mexico" in the list of countries shown therein.

2. Add "Yugoslavia" at the end of the list of countries shown therein.

b. In § 127.286 *Japan* (39 CFR 127.286) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles, 65 cents first two ounces and 45 cents each additional two ounces. Merchandise accepted by air as "small packets". (See § 127.20.)

c. In § 127.288 *Korea* (39 CFR 127.288) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles 70 cents first two ounces and 49 cents each additional two ounces. Merchandise accepted by air as "small packets". (See § 127.20.)

d. In § 127.380 *Yugoslavia* (39 CFR 127.380; 15 F. R. 324) make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 15 cents one-half ounce. Air-letter sheets, 10 cents each. Other regular mail articles, 43 cents first two ounces and 22 cents for each additional two ounces. (See § 127.20.)

2. Amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) Air parcels:

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$0.87	7	4	$15.43
0	8	1.39	7	8	15.95
0	12	1.91	7	12	16.47
1	0	2.43	8	0	16.99
1	4	2.95	8	4	17.51
1	8	3.47	8	8	18.03
1	12	3.99	8	12	18.55
2	0	4.51	9	0	19.07
2	4	5.03	9	4	19.59
2	8	5.55	9	8	20.11
2	12	6.07	9	12	20.63
3	0	6.59	10	0	21.15
3	4	7.11	10	4	21.67
3	8	7.63	10	8	22.19
3	12	8.15	10	12	22.71
4	0	8.67	11	0	23.23
4	4	9.19	11	4	23.75
4	8	9.71	11	8	24.27
4	12	10.23	11	12	24.79
5	0	10.75	12	0	25.31
5	4	11.27	12	4	25.83
5	8	11.79	12	8	26.35
5	12	12.31	12	12	26.87
6	0	12.83	13	0	27.39
6	4	13.35	13	4	27.91
6	8	13.87	13	8	28.43
6	12	14.39	13	12	28.95
7	0	14.91	14	0	29.47

Lb.	Oz.	Rate	Lb.	Oz.	Rate
14	4	$29.99	29	4	$61.19
14	8	30.51	29	8	61.71
14	12	31.03	29	12	62.23
15	0	31.55	30	0	62.75
15	4	32.07	30	4	63.27
15	8	32.59	30	8	63.79
15	12	33.11	30	12	64.31
16	0	33.63	31	0	64.83
16	4	34.15	31	4	65.35
16	8	34.67	31	8	65.87
16	12	35.19	31	12	66.39
17	0	35.71	32	0	66.91
17	4	36.23	32	4	67.43
17	8	36.75	32	8	67.95
17	12	37.27	32	12	68.47
18	0	37.79	33	0	68.99
18	4	38.31	33	4	69.51
18	8	38.83	33	8	70.03
18	12	39.35	33	12	70.55
19	0	39.87	34	0	71.07
19	4	40.39	34	4	71.59
19	8	40.91	34	8	72.11
19	12	41.43	34	12	72.63
20	0	41.95	35	0	73.15
20	4	42.47	35	4	73.67
20	8	42.99	35	8	74.19
20	12	43.51	35	12	74.71
21	0	44.03	36	0	75.23
21	4	44.55	36	4	75.75
21	8	45.07	36	8	76.27
21	12	45.59	36	12	76.79
22	0	46.11	37	0	77.31
22	4	46.63	37	4	77.83
22	8	47.15	37	8	78.35
22	12	47.67	37	12	78.87
23	0	48.19	38	0	79.39
23	4	48.71	38	4	79.91
23	8	49.23	38	8	80.43
23	12	49.75	38	12	80.95
24	0	50.27	39	0	81.47
24	4	50.79	39	4	81.99
24	8	51.31	39	8	82.51
24	12	51.83	39	12	83.03
25	0	52.35	40	0	83.55
25	4	52.87	40	4	84.07
25	8	53.39	40	8	84.59
25	12	53.91	40	12	85.11
26	0	54.43	41	0	85.63
26	4	54.95	41	4	86.15
26	8	55.47	41	8	86.67
26	12	55.99	41	12	87.19
27	0	56.51	42	0	87.71
27	4	57.03	42	4	88.23
27	8	57.55	42	8	88.75
27	12	58.07	42	12	89.27
28	0	58.59	43	0	89.79
28	4	59.11	43	4	90.31
28	8	59.63	43	8	90.83
28	12	60.15	43	12	91.35
29	0	60.67	44	0	91.87

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6110; Filed, July 14, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.20 *Air mail service* (39 CFR 127.20; 14 F. R. 2644, 3353, 6133; 15 F. R. 1461, 2037) amend paragraph (i) by inserting "Pakistan" between "Norway" and "Philippines".

b. In § 127.210 *Austria* (39 CFR 127.210) amend paragraph (b) (4) by the addition of subdivisions (iii), (iv), and (v) to read as follows:

(iii) Addressees must produce Austrian import licenses in order to take delivery of gift parcels exceeding 300 schillings in value, and of all commercial parcels.

(iv) The wrappers and customs declarations of gift parcels must be marked "Gift Parcel".

(v) Tobacco products which one addressee is permitted to receive are limited to 200 cigarettes, 50 cigars, or 15 grams (5¼ oz.) of tobacco per month.

c. In § 127.216 *Belgium* (39 CFR 127.216) amend paragraph (b) (6) by the addition of inferior subdivision (c) to subdivision (iv) to read as follows:

(c) New or used postage stamps (admitted only in letters).

d. In § 127.225 *Bulgaria* (39 CFR 127.225; 15 F. R. 1842) amend paragraph (a) (8) to read as follows:

(8) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(ii) The importation of postage stamps is restricted in accordance with Bulgarian regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

e. In § 127.227 *Canada* (39 CFR 127.227) make the following changes:

1. Amend subdivision (xiii) of paragraph (b) (3) to read as follows:

(xiii) When a Form 2855 is to be sent to Canada, first determine in what Canadian Province the post office of address is located. The name of the Province involved should then be located in column 1 of the following list and opposite it, in column 2, will be found the address of the Canadian District Post Office Inspector having jurisdiction over that Province:

Column 1 If the Canadian post office of address of the insured parcel is located in the Province of—	Column 2 Send Form 2855 to "District Post Office Inspector" located at—
Alberta	Calgary, Alberta, Canada.
British Columbia	Vancouver, British Columbia, Canada.
Mackenzie Territories	Edmonton, Alberta, Canada.
Manitoba	Winnipeg, Province of Manitoba, Canada.
New Brunswick	Saint John, New Brunswick, Canada.
Newfoundland (including Labrador)	St. John's Newfoundland, Canada.
Nova Scotia	Halifax, Nova Scotia, Canada.
Ontario	Toronto, Ontario, Canada.
Prince Edward Island	Saint John, New Brunswick, Canada.
Quebec	Montreal, Province of Quebec, Canada.
Saskatchewan	Saskatoon, Saskatchewan, Canada.
Yukon Territory	Vancouver, British Columbia, Canada.

2. Amend paragraph (b) (6) to read as follows:

(6) *Prohibitions.* (i) The importation of many types of merchandise into Canada is either entirely prohibited or admitted only under quotas administered by the Canadian Department of Finance or by special permission of the Department of Trade and Commerce at Ottawa.

(ii) An exception is made in the case of occasional parcels containing gifts not exceeding $25 in value for individuals, and parcels containing wedding gifts regardless of value. Such parcels are exempt from the import restrictions, if the Canadian customs authorities are satisfied that they actually contain gifts as claimed, but the regular Canadian customs duty and taxes will be charged on any of the contents of occasional gifts which exceed $5 in value, and on any tobacco products or advertising matter.

(iii) Before mailing any package or parcel to Canada, senders should ascertain that the contents will be admitted, and must endorse the wrapper "Importation into Canada authorized", "Bona fide gift", or "Wedding gift" as the case may be.

(iv) Interested patrons may obtain further information concerning articles whose importation is prohibited or restricted from the Canadian government departments named above, from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

f. In § 127.228 *Cape Verde Islands* (39 CFR 127.228) amend paragraph (b) to read as follows:

(b) *Parcel post* (i) Surface parcels.

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.37	12	$2.37
2	.51	13	2.51
3	.71	14	2.65
4	.85	15	2.79
5	.99	16	2.93
6	1.13	17	3.07
7	1.27	18	3.21
8	1.48	19	3.35
9	1.62	20	3.49
10	1.76	21	3.63
11	1.90	22	3.77

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 parcels. (See § 127.76.)
Registration: Yes. (See Portuguese West Africa.)
Insurance: Yes. (See Portuguese West Africa.)
C. o. d.: No.

g. In § 127.252 *France* (39 CFR 127.252; 14 F. R. 1085; 15 F. R. 1730) make the following changes:

1. Amend subdivision (ii) of paragraph (b) (5) to read as follows:

(ii) *For the protection of animals and plants.* (a) Bees, honey and beeswax must be accompanied by a certificate of origin and non-infection issued by a qualified official approved by the government.

(b) Skins or carcasses of wild or domestic rodents are prohibited.

(c) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

2. Amend subdivision (v) of paragraph (b) (5) as follows:

(a) Delete inferior subdivision (j).

(b) Amend inferior subdivision (m) to read as follows:

(m) Pure powdered saccharine may be imported only by the French Government. Other artificial sweetening materials are prohibited.

(c) Amend inferior subdivision (p) to read as follows:

(p) Articles of gold or silver, or of other metals plated with gold or silver, are subject to special inspection on importation.

h. In § 127.264 *Germany* (39 CFR 127.264) amend subdivision (xii) (f) of paragraph (a) (8) to read as follows:

(f) Seeds and other plant material must be inspected and certified as free of disease, pests, or weeds. However, small quantities of vegetable seeds in gift parcels are admitted without inspection certificate.

i. In § 127.322 *Pakistan* (39 CFR 127.322) make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents one-half ounce. Other articles in regular mails 63 cents for first two ounces and 43 cents for each additional two ounces.

2. Amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) Air parcels.

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.63	8	4	$28.51
0	8	2.47	8	8	29.35
0	12	3.31	8	12	30.19
1	0	4.15	9	0	31.03
1	4	4.99	9	4	31.87
1	8	5.83	9	8	32.71
1	12	6.67	9	12	33.55
2	0	7.51	10	0	34.39
2	4	8.35	10	4	35.23
2	8	9.19	10	8	36.07
2	12	10.03	10	12	36.91
3	0	10.87	11	0	37.75
3	4	11.71	11	4	38.59
3	8	12.55	11	8	39.43
3	12	13.39	11	12	40.27
4	0	14.23	12	0	41.11
4	4	15.07	12	4	41.95
4	8	15.91	12	8	42.79
4	12	16.75	12	12	43.63
5	0	17.59	13	0	44.47
5	4	18.43	13	4	45.31
5	8	19.27	13	8	46.15
5	12	20.11	13	12	46.99
6	0	20.95	14	0	47.83
6	4	21.79	14	4	48.67
6	8	22.63	14	8	49.51
6	12	23.47	14	12	50.35
7	0	24.31	15	0	51.19
7	4	25.15	15	4	52.03
7	8	25.99	15	8	52.87
7	12	26.83	15	12	53.71
8	0	27.67	16	0	54.55
16	4	$55.39	19	4	$95.47
16	8	56.23	19	8	66.31
16	12	57.07	19	12	67.15
17	0	57.91	20	0	67.99
17	4	58.75	20	4	68.83
17	8	59.59	20	8	69.67
17	12	60.43	20	12	70.51
18	0	61.27	21	0	71.35
18	4	62.11	21	4	72.19
18	8	62.95	21	8	73.03
18	12	63.79	21	12	73.87
19	0	64.63	22	0	74.71

This amendment is effective July 15, 1950.

j. In § 127.327 *Persian Gulf Ports* (39 CFR 127.327) make the following changes:

1. Amend paragraph (a) (7) to read as follows:

(7) *Prohibitions.* (i) Bees, leeches, silkworms, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized institutions, are admitted as samples only.

(ii) The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the regular mails.

2. Amend paragraph (b) (4) to read as follows:

(4) *Prohibitions.* (i) Arms and parts thereof.

(ii) Counterfeit coins and banknotes. Fictitious postage stamps and instruments or materials for making them. Cultivated, imitation, artificial or bleached pearls.

(iii) Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

(iv) Carbon paper, oilskins and similar goods are subject to the conditions applicable to such articles for Great Britain.

k. In § 127.380 *Yugoslavia* (39 CFR 127.380) amend paragraph (a) (8) by adding subdivision (v) to read as follows:

(v) The importation of postage stamps is restricted in accordance with Yugoslav regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6121; Filed, July 14, 1950; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 50-16]

INSPECTION AND NAVIGATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these miscellaneous amendments is to effect editorial changes in the regulations. In accordance with the Administrative Procedure Act (5 U. S. C. 1003) notice of proposed rule making, public procedure thereon, and publication thirty days prior to its effective date are found impracticable and contrary to the public interest because the amendments are to correct errors, change titles of enforcing officers, transfer regulations from one part to another to provide a better presentation of requirements, and to clarify certain requirements applicable to the public.

The regulations in Part 138, regarding shipment and discharge of seamen, are transferred to Part 14 and the sections reprinted so that the requirements will be easy to identify. The following tables indicate the relationship between the old and new section numbers.

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old numbers	*New numbers*
138.8	14.01-1
138.9 (a)	14.10-1
138.9 (b)	14.10-5
138.9 (c)	14.10-10
138.9 (d)	14.01-10
138.9 (e)	14.10-15
138.9 (f)	14.05-1
138.9 (g)	14.05-5
138.9 (h)	14.05-10
138.9 (i)	14.05-10
138.9 (j)	14.05-15
138.10	14.05-20
	14.05-20
	14.10-20

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

New section numbers	*Old section numbers*
14.01-1	138.8
14.01-10	138.9 (d)
14.05-1	138.9 (f)
14.05-5	138.9 (f)
14.05-10	138.9 (f), (g)
14.05-15	138.9 (h)
14.05-20	138.9 (i), (j)
14.10-1	138.9 (a)
14.10-5	138.9 (b)
14.10-10	138.9 (c)
14.10-15	138.9 (e)
14.10-20	138.10

By virtue of the authority vested in me as Commandant, United States Coast Guard by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

Section 10.15-1 is amended by deleting reference to R. S. 4463 (46 U. S. C. 222) so that the section will read as follows:

§ 10.15-1 *Applicability of laws.* All the provisions of R. S. 4131, 4250, 4403, 4405, 4438, 4439, 4440, 4441, 4445, 4446, 4447, 4448, 4449, 4450, as amended, sec. 2, 23 Stat. 118, sec. 2, 29 Stat. 188, sec. 1, 34

Stat. 1411, sec. 3, 40 Stat. 549, and sec. 5, 49 Stat. 1935; 46 U. S. C. 221, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 250, 372, 375, 672a; referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations in this subpart shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the act approved July 17, 1939 (R. S. 4438a; 53 Stat. 1049; 46 U. S. C. 224a) making effective the provisions of the Convention apply.

(R. S. 4405, 4462, as amended, sec. 2, 29 Stat. 168, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 53 Stat. 1147, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 416, 225, 367, 247, 526p, 166, 50 U. S. C., App., 1275)

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.05—ABLE SEAMEN

Section 12.05–7 is amended by inserting additional descriptive words regarding service required so that the section will read as follows:

§ 12.05–7 *Service or training requirements.* (a) The minimum service or training required to qualify an applicant for certification and the various indorsements as able seaman is listed in this paragraph:

(1) *High seas and inland waters*—(i) *"Any waters—unlimited."* 3 years' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes.

(ii) *"Any waters—unlimited."* The period of time spent by an applicant successfully completing a course of able seaman's training in a training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 1 year of the 3 years required in subdivision (i) of this subparagraph.

(iii) *"Any waters—unlimited."* Satisfactory completion of 18 months' training in a seagoing training ship approved by the Commandant.

(iv) *"Any waters—12 months."* 12 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes or on the Great Lakes. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(v) *"Any waters—12 months."* Satisfactory completion of a course of training at a U. S. Maritime Service Training Station of at least 9 months, 6 months of which shall have been served aboard a seagoing training vessel. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(2) *Great Lakes and inland waters*—(i) *"Great Lakes—18 months' service."* 18 months' service on deck in vessels of 100 gross tons or over operating on ocean or coastwise routes, or on the Great Lakes, smaller lakes, bays, or sounds. (Holders of certification under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays, and sounds.) If the seaman possesses the requisite service for certification under subparagraphs (1) (iv) of this paragraph, there shall be added "any waters—12 months."

(3) *Tugs and towboats*—(i) *"Tugs and towboats—any waters."* 18 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(4) *Bays and sounds*—(i) *"Bays and sounds—12 months, vessels 500 gross tons or under not carrying passengers."* 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(5) *Barges*—(i) *"Seagoing barges—12 months."* 12 months' service on deck in vessels operating on ocean or coastwise routes, or on the Great Lakes, or on the bays and sounds connected directly with the seas.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672–1, 672–2)

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

Chapter I, Subchapter B, is amended by adding a new Part 14, reading as follows:

SUBPART 14.01—GENERAL

Sec.

SUBPART 14.05—SHIPPING ARTICLES

SUBPART 14.10—DISCHARGING SEAMEN

AUTHORITY: §§ 14.01–1 to 14.10–20 issued under R. S. 4551, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 643, 683, 689.

SUBPART 14.01—GENERAL

§ 14.01–1 *Employment of seamen whose citizenship has not been established.* Seamen whose continuous discharge books, certificates of identification or merchant mariner's documents show question marks with reference to place of birth and/or citizenship shall not be considered as citizens of the United States in computing the number of citizens required by statute to be employed in the crew of a vessel.

§ 14.01–10 *Reporting loss or recovery of continuous discharge book, certificate of identification, or certificate of discharge.* Wherever a continuous discharge book, certificate of identification, or certificate of discharge is reported to a shipping commissioner, collector of customs, or an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the shipping commissioner, collector of customs, or Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of a continuous discharge book, certificate of identification, or certificate of discharge with all the facts incident to its recovery, and shall forward the recovered book, certificate of identification, or certificate of discharge to the Commandant.

SUBPART 14.05—SHIPPING ARTICLES

§ 14.05–1 *Preparation and number of copies of shipping articles.* Shipping articles shall be made out in quadruplicate by carbon process. When the signing on of the crew has been completed the triplicate and quadruplicate copies shall be removed from the pad by the shipping commissioner, who will retain the triplicate copy and forward the quadruplicate copy to Commandant (MVP), Coast Guard Headquarters, Washington 25, D. C., "Attention Merchant Vessel Personnel Records and Welfare Section." The original and duplicate copies of the articles remaining in the pad shall be given to the master who shall enter therein any changes made in the crew during the voyage.

§ 14.05–5 *Paying off seamen during voyage.* In case of the paying off of any members of the crew during the voyage, they shall be required to sign the mutual release on both the original and the duplicate of the articles whether discharged before a shipping commissioner in an American port or before an American consul in a foreign port.

§ 14.05–10 *Completing entries in shipping articles at completion of voyage.* (a) At the completion of the voyage, when the crew is paid off, the mutual release on both the original and the duplicate of the articles must be signed by all members of the crew; and the original copy, together with the white copy of every certificate of discharge, Form 718A rev., given during the voyage or a record of entry, Form 718E, of every entry made in a continuous discharge book during the voyage, shall be forwarded to the Commandant at Washington, D. C. The duplicate copy shall be retained by the shipping commissioner.

(b) All columns on the shipping articles shall be properly filled in and the certifications on the back properly signed.

(c) All entries made in the continuous discharge books during the voyage, and the entries made in all certificates of discharge issued during the voyage to sea-

men holding certificates of identification shall be shown on the ship's articles.

§ 14.05–15 *Production of documents by seamen signing shipping articles.* Every seamen shall be required, when signing articles, to produce his continuous discharge book or certificate of identification, as well as his license, certificate of registry, or certificate of service, in order that the serial numbers may be entered on the articles.

§ 14.05–20 *Master reporting shipping and discharging of seamen on Form CG 735–T.* (a) The master of every merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, fishing and whaling vessels, yachts, ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages, and unrigged vessels other than seagoing barges, shall report the employment, discharge, or termination of the services of every seaman not shipped or discharged before a shipping commissioner, or a collector or deputy collector of customs acting as shipping commissioner on Coast Guard Form 735–T in the manner provided in this paragraph.

(b) When a vessel is sailing on a voyage which will extend to the ocean or to the Gulf of Mexico and when coastwise Shipping Articles are opened or when the vessel is departing on a coastwise voyage for which Shipping Articles are not required the master shall, immediately prior to sailing, submit to the Officer in Charge, Marine Inspection, a Form 735–T listing the names, as well as the other data required by the form with the exception of the date and place of discharge, of the master and of each member of the crew. Thereafter, at each domestic port visited on the voyage, the master shall, prior to departure, submit to the Officer in Charge, Marine Inspection, a supplementary report on Form 735–T listing the name, as well as the other data required by the form, of each seaman engaged or discharged or whose services were otherwise terminated since the previous submission of the form. When coastwise Shipping Articles are completed or when a voyage on which Shipping Articles are not required is completed, the master shall submit to the Officer in Charge, Marine Inspection, a Form 735–T listing the names, as well as the other data required by the form, of the master and of each member of the crew on board at the time of the completion of the voyage.

(c) When a vessel is employed exclusively in trade on bays or sounds, the master shall submit a Form 735–T, on the last day of each calendar month, listing the name, as well as the other data required by the form—including the dates and places of engagement and discharge, of each seaman employed, discharged, or whose services were otherwise terminated during the calendar month. This form shall be forwarded by the master directly to Commandant (MVP), U. S. Coast Guard Headquarters, Washington, D. C.

(d) When a vessel is employed exclusively in trade on the Great Lakes, the master shall submit Form 735–T at the commencement of the season, or when the vessel is put into service, listing the names, as well as other information required by the form, with the exception of date and place of discharge, of each member of the crew. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form 735–T listing the names, as well as other information required by the form, of (1) each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip, and (2) each seaman engaged during the month who was not also employed on the vessel in the same capacity on her last trip preceding the engagement. At the close of the season, or when the vessel is withdrawn from service, the master shall submit a final report on Form 735–T listing the names, as well as other information required by the form, of each seaman who has not been previously reported as discharged.

(e) Every discharge entry made on a Form 735–T shall agree exactly with the corresponding entry made in a continuous discharge book or on the certificate of discharge issued to a seaman and a record of entry (Form 718–E) or a white copy of a certificate of discharge (Form 718–A, Revised) supporting each discharge shall be attached to any Form 735–T on which discharges are reported.

(f) Any master who fails to comply with the requirements of this section is subject to a penalty of $500.

SUBPART 14.10—DISCHARGING SEAMEN

§ 14.10–1 *Entries in continuous discharge book.* (a) Upon the discharge of any seaman and payment of his wages, the shipping commissioner, or collector, or deputy collector of customs at ports where no shipping commissioner has been appointed, shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries, and nothing more.

(b) In cases where the law does not require the seaman to be shipped and discharged before a shipping commissioner, the master of the vessel shall make the required entries in the continuous discharge book.

(c) All entries shall be made in black ink.

(d) The person making the entry in the book shall also prepare a "Record of Entry in Continuous Discharge Book" on Form 718E and make the required entries therein showing the full name and citizenship of the seaman in whose book the entry was made, serial number of his book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. The record of entry shall be signed by the seaman in whose book the entry was made and by the person making the entry in the book. In cases where the record of entry is signed by a shipping commissioner, or collector, or deputy collector of customs, the master is not required to sign the record of entry, but his name must be shown thereon.

§ 14.10–5 *Entries in certificate of discharge.* (a) Upon the discharge of any seaman who holds a certificate of identification issued by the Coast Guard or predecessor authority, and payment of his wages, the shipping commissioner or collector or deputy collector of customs at ports where no shipping commissioner has been appointed shall issue to the seaman a "Certificate of Discharge" on Form 718A rev., and make the required entries therein showing the full name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage, (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. The certificate of discharge shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by the shipping commissioner or, at ports where no shipping commissioner has been appointed by the collector or deputy collector of customs.

(b) In cases where the law does not require the seamen to be shipped and discharged before a shipping commissioner, the master of the vessel shall issue such certificate of discharge and make the required entries therein.

(c) All entries on certificates of discharge, Form 718A rev., shall be made with indelible pencil or typewriter to insure legible copies.

(d) The white copy of the certificate of discharge shall be forwarded to the Commandant as prescribed by §§ 14.05–1 and 14.05–20.

§ 14.10–10 *Discharging a seaman in a foreign port.* (a) Upon the discharge of any seaman in a foreign port the master shall make the proper entries in the continuous discharge book and on the ship's articles, and such entries shall be attested to by the consular officer, and Form 718E shall be completed in accordance with § 14.10–1. If the seaman possesses a certificate of identification, the master of the vessel shall issue to the seaman a certificate of discharge on Form 718A rev., and make the required entries therein which shall be attested by the consular officer. If the seaman has lost his continuous discharge book or certificate of identification, the master shall furnish him with a certificate of discharge (Form 718A rev.), attested to by the consular officer and note this fact on the articles.

(b) The white copy of any discharge Form 718A rev., given out in this manner or the original of the record of entry, Form 718E, shall be retained by the master until the articles covering that voyage are closed, at which time, if the crew is discharged before a shipping commissioner, or before a collector or deputy collector of customs at ports where no shipping commissioner has been appointed, it shall be delivered to that officer and forwarded by him to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20; if the crew is not discharged before such officer, it shall be forwarded to the Commandant by the master as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–15 *Certificate of discharge issued pending issuance of duplicate continuous discharge book.* Pending the issuance of a duplicate of the continuous discharge book, the shipping commissioner, or collector or deputy collector of customs at ports where no shipping commissioner has been appointed, may furnish the seaman with a certificate of discharge (Form CG 718A rev.), at the completion of the voyage, and this fact shall be noted on the articles. The white copy of such discharge shall be forwarded to the Commandant, as prescribed in §§ 14.05–10 and 14.05–20.

§ 14.10–20 *Discharge of seamen in special cases.* (a) Section 16 of the act of December 21, 1898 (30 Stat. 759), amended in part R. S. 4581 (46 U. S. C. 683), relating to the discharge of seamen by consuls, to read:

If a seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(b) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U. S. C. 683), adds to these words the following:

Provided, That at the discretion of the Commandant of the Coast Guard and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

(c) The personal appearance of the master of the vessel before an American consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

(1) When the condition of the injured or ill seaman is such that prompt medical attendance is necessary and cannot be furnished on shipboard, and

(2) When the master cannot proceed with the seaman to the consul without risk to the crew, the vessel, or the cargo.

(d) When the master cannot appear before the consul in person he will address to the consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why he himself is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due and with the necessary funds to meet such wages, or (if the cash be not available) with an order on the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, he may discharge the seaman as directed in R. S. 4581, as amended by section 16 of the act of December 21, 1898, and section 19 of the act of March 4, 1915, as if the master were present, attaching to the discharge and to his relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, he will decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

Section 132.7 *Execution of voyage clause on Form 722* is deleted.

PART 138—SHIPMENT AND DISCHARGE OF SEAMEN

Part 138 is deleted. (The text of the regulations in this part has been redesignated and transferred to Part 14.)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN REGULATIONS IN THIS SUBCHAPTER

Section 146.03–36 (c) (2) is amended by changing the phrase "a board of local inspectors" to "an Officer in Charge, Marine Inspection" so that the subparagraph will read as follows:

§ 146.03–36 *Vessels defined.* * * *

(c) *Cargo vessels.* * * *

(2) Any passenger ferry or railroad car ferry during any period it is being operated under authority of a change of character certificate issued by an Officer in Charge, Marine Inspection.

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04–5 *List of explosives and other dangerous articles and combustible liquids* is amended by changing the article "burlap bags, used and unwashed" to "burlap bags, used and unwashed or uncleaned"; and by deleting the word "yellow" in column 3, "Label Required", opposite the substance "Guanidine Nitrate."

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by changing the phrase "(ICC–17C, 17E) STC, not over 55 gal. cap." to "(ICC–17C, 17E) STC, not over 5 gal. cap." under "Outside Containers" in column 4 opposite the substance "Inflammable Liquid, N. O. S."

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

Section 146.24–100 *Table G—Classification: Compressed gases* is amended by changing the phrase "Predominate components are generally propane, butane and isobutane" to "Predominant components are generally propane, butane and isobutane" in the second column opposite the substance "Liquefied Petroleum Gas (pressure not exceeding 375 lbs. per sq. in. at 130° F.);" "Liquefied Petroleum Gas (pressure not exceeding 225 lbs. per sq. in. at 105° F.", "Liquefied Petroleum Gas (pressure not exceeding 75 lbs. per sq. in. at 105° F.)" and "Liquefied Petroleum Gas (pressure not exceeding 65 lbs. per sq. in. at 105° F.)"; and by changing the phrase "Predominate components are generally propane, propylene, butanes (normal butane or isobutane), butylenes, and butadiene" to "Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes, and butadiene" in the second column opposite the substance "Liquefied Petroleum Gas (pressure not exceeding 200 lbs. per sq. in. at 100° F.)."

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4472, as amended; 46 U. S. C. 170)

Dated: July 7, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 50–6158; Filed, July 14, 1950; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1759]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

Sections 115.128 to 115.135, inclusive, as set forth below, supersede §§ 115.128 to 115.149, inclusive (Circular No. 1607 of May 29, 1945):

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

Sec.
115.128 Statutory authority.
115.129 Policy.
115.130 Grazing of livestock kept for domestic use.
115.131 Crossing permits.

Sec.
115.132 Application and lease.
115.133 Rental.
115.134 Timber and other uses of land.
115.135 Governing regulations; applications and leases subject to regulations.

AUTHORITY: §§ 115.128 to 115.135 issued under sec. 5, 50 Stat. 875.

GRAZING LEASES OF THE REVESTED AND RECONVEYED LANDS AND INTERMINGLED PUBLIC DOMAIN LANDS

§ 115.128 *Statutory authority.* Section 4 of the act of August 28, 1937 (50 Stat. 875) authorizes the Secretary of the Interior in his discretion to lease for grazing purposes any revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, hereinafter referred to as O. and C. lands, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the act, and to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands. In addition to issuing grazing leases for O. and C. lands under the provisions of §§ 115.128 to 115.135, grazing leases also will be issued under such sections for such lands and intermingled public lands, or for public lands in and West of Range 5 East, or West of Klamath Lakes and Link River in Ts. 36 to 41 S., Rs. 6 to 9 E., inclusive, Willamette Meridian, Oregon.[1]

§ 115.129 *Policy.* Since the statutory authority for grazing on the O. and C. lands subordinates such use to the primary purposes of the act, namely, to provide a permanent source of timber supply by managing the lands in conformity with the sustained-yield principle, protect water sheds, regulate streamflow, and contribute to the economic stability of local communities and industries, no lease will be issued unless the Regional Administrator of the Bureau of Land Management at Portland, Oregon, who is charged with the administration of grazing on such lands, determines that grazing on the lands to be included in the lease will not interfere with the production of timber, or any of the other purposes of the act.

§ 115.130 *Grazing of livestock kept for domestic use.* Bona fide settlers or prospectors may apply to the regional administrator for permission to graze without charge not more than a total of 10 head of milk and work stock on the O. and C. lands, or such lands and intermingled public domain lands. Such permission may be granted by the regional administrator, in his discretion, upon such conditions as he may prescribe.

§ 115.131 *Crossing permits.* The regional administrator may permit the transit of stock on established stock driveways or thoroughfares on O. and C. lands, or such lands and intermingled public domain lands, free of charge. Under such conditions and restrictions as are necessary, the regional administrator may also grant permission to cross allotments of other lessees, areas closed to grazing, or unleased lands, and such permission must be obtained before such crossing occurs. The permittee shall be liable for any damage caused to the range.

§ 115.132 *Application and lease.* An application for a grazing lease shall be made on Form 4–721 in the manner set forth in § 160.5 of this chapter. An application may include O. and C. lands or public lands or both. Leases shall be issued in the manner set forth in § 160.10 of this chapter, and the lease rental shall be computed in accordance with § 115.133.

§ 115.133 *Rental.* (a) The lessee shall pay in accordance with the terms of the lease, an annual rental computed in conformity with the following rate tabulations. However, when warranted by circumstances, including changed marketing conditions, the regional administrator may establish any other appropriate schedule of rental rates for leases issued under §§ 115.128 to 115.135, a copy of which shall be transmitted to the Director.

Estimated grazing capacity in acres per A. U. M.	Estimated grazing capacity in animal units year-long per section	Yearly lease-rate per acre
107.00	0.5	.005
53.00	1.0	.010
38.00	1.5	.013
25.00	2.0	.020
20.00	2.5	.025
18.00	3.0	.028
16.00	3.5	.031
14.00	4.0	.036
12.00	4.5	.042
11.00	5.0	.045
10.00	6.0	.05
7.50	7.0	.067
6.50	8.0	.077
6.00	9.0	.083
5.50	10.0	.091
5.00	11.0	.10
4.50	12.0	.11
4.00	13.0	.125
3.75	14.0	.13
3.50	15.0	.14
3.25	16.0	.15
3.00	17.0	.17
2.75	19.0	.18
2.50	21.0	.20
2.25	24.0	.22
2.00	27.0	.25
1.75	30.0	.29
1.50	36.0	.33
1.25	43.0	.40
1.00	53.0	.50
0.50	107.0	1.00
0.25	213.0	2.00

(b) One cow or one horse or five sheep or five goats constitute one animal unit. The minimum rental charge shall be fixed at not less than $1.00 per annum. The rental may be adjusted to reflect differences in numbers of livestock authorized to be grazed, changes in carrying capacity, and changes in authorized rates of rental at the end of the third year of the lease, and at the end of each subsequent three-year period.

§ 115.134 *Timber and other uses of land.* A lease issued for grazing purposes will not entitle the lessee to cut and remove timber from the land, or to take any other asset therefrom, or to use such land for purposes other than grazing. In order to obtain such rights or privileges, the lessee must make application therefor in accordance with the governing laws and regulations.

§ 115.135 *Governing regulations; applications and leases subject to regulations.* Applications filed and leases issued under §§ 115.128 to 115.135, inclusive, shall be subject to the regulations therein, as well as to the regulations contained in Part 160 of this chapter relating to grazing leases issued pursuant to section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended (43 U. S. C. sec. 315m), to the extent that the latter are not inconsistent with the former. The leases will also be subject to the standard terms and conditions set forth therein, and to any other terms and conditions which, in his discretion, the regional administrator may require.

Sections 115.128 to 115.135, inclusive, will become effective 60 days from date of approval thereof by the Secretary of the Interior.

MARION CLAWSON,
Director.

Approved: July 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–6106; Filed, July 14, 1950; 8:45 a. m.]

[Circular 1760]

PART 160—GRAZING LEASES

This part is revised to read as follows, effective 60 days from date of approval thereof by the Secretary of the Interior:

Sec.
160.1 Statutory authority.
160.2 Definitions.
160.3 Classes of applicants; preference rights.
160.4 Qualifications of applicants.
160.5 Application and lease.
160.6 No right conferred by application, prior to lease.
160.7 Protests.
160.8 Leases of withdrawn or reserved lands.
160.9 Action on defective application or where the lands applied for are not subject to grazing leasing.
160.10 Disposition of protests and conflicting applications.
160.11 Reduction in leased area; adjustment of grazing use to conform with changes in grazing capacity.
160.12 Leased lands subject to classification and disposition; compensation to lessee for loss of lands and for improvements.
160.13 Access to leased lands; temporary closing of leased area.
160.14 Rental.
160.15 Term of lease.
160.16 Application for renewals.
160.17 Construction and maintenance of improvements.
160.18 Removal of improvements.
160.19 Cancellation of lease.
160.20 Inspection of leased premises.
160.21 Assignment of lease; subleases.
160.22 Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.
160.23 Appeals; filing.

AUTHORITY: §§ 160.1 to 160.23 issued under sec. 2, 48 Stat. 1270; 43 U. S. C. 315a.

§ 160.1 *Statutory authority.* Section 15 of the act of June 28, 1934 (48 Stat.

[1] For authority to issue grazing leases on public domain lands outside of established grazing districts, see Part 160 of this chapter.

1275), as amended, authorizes the Secretary of the Interior to lease for grazing purposes vacant, unappropriated, and unreserved public lands outside of established grazing districts in the continental United States only. Grazing leases for other public lands intermingled with the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands which are located west of the Cascade Mountain Range Divide, or in and west of Range 5 East, or west of Klamath Lakes and Link River in Ts. 36 to 41 S., Rs. 6 to 9 E., inclusive, Willamette Meridian, Oregon, will be issued pursuant to and will be governed by the provisions of Part 115 of this chapter.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional administrator" means the proper regional administrator, Bureau of Land Management.

(d) "Manager" means manager of the proper land office. Where there is no land office, it means the Director, Bureau of Land Management.

(e) "Signing Officer" means the Government official who has been duly authorized to issue a grazing lease.

(f) "Field Office" means any office of the Bureau of Land Management, including the land office, near the lands applied for and in the State in which such lands are situated. If there is no land office or other field office in the State, it means the office of the Director, Bureau of Land Management, Washington 25, D. C.

(g) "The act" means the act of June 28, 1934 (48 Stat. 1269), as amended.

§ 160.3 *Classes of applicants; preference rights.* The act, as amended, provides for the issuance of grazing leases to classes of applicants in the following order:

(a) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less[1] for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference-right is asserted during a period of 90 days after such tract is offered for leases.[2]

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Leases where no preference-right applicant is involved.

§ 160.4 *Qualifications of applicants.* An applicant for a grazing lease is qualified if the applicant

(a) Is a citizen of the United States, or

(b) Has filed a declaration of intention to become a citizen: *Provided*, That an applicant who has filed such declaration but has not filed a petition for naturalization before a court of competent jurisdiction within seven years from the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall be disqualified to receive a grazing lease or any renewal of an existing lease until he has actually attained citizenship, or

(c) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the lands applied for are located and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under paragraphs (a) and (b) of this section.

§ 160.5 *Application and lease.* An application for lease shall be executed in triplicate on combined application and lease form (4–721) and filed in triplicate in any field office of the Bureau of Land Management in the state in which the lands applied for are situated.[3] The applicant's signature to the application shall be considered to be his signature to and his acceptance of the lease when executed by the signing officer, without prejudice to the applicant's right to appeal from the disallowance of his application as to any part of the lands applied for or from the issuance of a lease for a shorter term than that applied for.

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Protests.* Protests against the approval of an application for a lease should be filed in the same manner and number of copies as applications for a grazing lease, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.8 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[4] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, § 295.7 (c) of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.9 *Action on defective application or where the lands applied for are not subject to grazing leasing.* Upon the filing of any application, the officer receiving it may require any defects in the application to be cured or additional information to be provided. The signing officer may reject any application if the applicant fails to cure defects in the application within the time allowed, which period shall not be less than thirty days from the date of receipt of notice of such defects by the applicant. If the application must be rejected because of the status of the land for which application is made as where land is in an allowed entry, otherwise appropriated or reserved and not subject to lease under the act, or not public land, a manager, if his office has land status, or a signing officer shall reject the aplication.

§ 160.10 *Disposition of protests and conflicting applications.* (a) The lease will be executed by the signing officer and transmitted to the lessee only after final action is taken on any protests or timely appeals which may have been filed. The lease will provide for an allowance of forage for wildlife, and within the discretion of the signing officer the number of livestock to be grazed, proper grazing season or reservations for authorized trailing across the land, and will contain the standard provisions set forth in the combined application and lease form, together with any other terms, conditions, or reservations which the signing officer in his discretion may deem necessary and proper.

(b) In those cases where more than one applicant applies for the same land and where it appears that a division of the lands should be made, such conflict-

[1] Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision. The difference between the higher preference right accorded under this paragraph and the preference accorded under paragraph (b) of this section is that the applicant is not required to demonstrate that the public lands are necessary for the proper use of the contiguous or cornering lands, except where there are conflicting applications of the same class of applicants.

[2] By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

[3] 18 U. S. C. sec. 1001 makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

[4] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (1) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C. sec. 501).

ing applicants will be given an opportunity to agree to a division of the lands prior to a determination by the signing officer as to the disposition of such conflicting applications or division of the lands.

(c) After a division of the range has been made either by agreement between applicants which is acceptable to the signing officer or by determination of the signing officer where there is no acceptable agreement, any conflicting applications or protests filed subsequent thereto will be rejected.

§ 160.11 *Reduction in leased area; adjustment of grazing use to conform with changes in grazing capacity.* The leased area may be reduced if it is determined that such area is required for the protection of sources of water supply to communities, or for camping places, stock driveways, roads and trails, or town sites, or for feeding grounds near communities for the use of domestic livestock or near the slaughtering or shipping points for use of stock to be marketed or for other public purposes; the authorized grazing use may be adjusted to conform to changes in grazing capacity estimates. In the case of any such reduction or adjustment, a proportionate adjustment will be made in the rental for the lease years commencing subsequent to the notice of such reduction or adjustment.

§ 160.12 *Leased lands subject to classification and disposition; compensation to lessee for loss of lands and for improvements.* (a) Lands embraced in a grazing lease are subject to classification and disposition under the provisions of sections 7 and 14 of the act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws: *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease or permit in an amount to be mutually agreed upon. If the parties are unable to agree as to the amount and time for payment for such improvements, the amount and time of payment shall be fixed by the signing officer. The failure of the applicant to pay the lessee, in accordance with the agreement or the amount fixed by the signing officer within the time allowed for payment, shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

(b) Where part of the leased lands are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold. Such reduced rentals shall apply to rentals for the lease years commencing subsequent to the notice of such reduction.

(c) The holder of a grazing lease shall be compensated, for the loss resulting from the use of lands embraced in the lease for war or national defense purposes, in an amount determined to be fair and reasonable and to be paid by the head of the department or agency of the Federal Government making such use.

§ 160.13 *Access to leased lands; temporary closing of leased area.* (a) The issuance of a grazing lease does not alter or restrict the right of access across the leased lands by licensed hunters or fishermen or restrict their right to hunt and fish on such lands in accordance with the laws of the United States or of the state in which the lands are located, nor may the lessee interfere with such rights. Nor shall such lease restrict or limit prospecting, locating, developing, mining or patenting the mineral resources in the leased lands; miners, prospectors and mineral lessees of the United States and all other authorized persons shall be entitled to enter the leased lands.

(b) The regional administrator, in his discretion, may close temporarily to grazing portions of the leased lands whenever, because of depletion of the vegetal cover due to drought, epidemic, fire, or any other cause, such action is necessary to restore the forage on the range to its normal condition. Such temporary closing will not operate to exclude such lands from the lease.

§ 160.14 *Rental.* The lessee shall pay the lease rental in the amount and manner specified in the lease. The rental shall be computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year-long per section	Yearly lease-rate per acre
107.00	0.5	$0.001
53.00	1.0	.002
28.00	1.5	.003
25.00	2.0	.004
20.00	2.5	.005
18.00	3.0	.006
16.00	3.5	.007
14.00	4.0	.008
12.00	4.5	.009
11.00	5.0	.010
10.00	6.0	.012
7.50	7.0	.014
6.50	8.0	.017
6.00	9.0	.019
5.50	10.0	.020
5.00	11.0	.023
4.50	12.0	.025
4.00	13.0	.027
3.75	14.0	.029
3.50	15.0	.030
3.25	16.0	.033
3.00	17.0	.035
2.75	19.0	.040
2.50	21.0	.045
2.25	24.0	.050
2.00	27.0	.055
1.75	30.0	.065
1.50	36.0	.075
1.25	43.0	.090
1.00	53.0	.110
0.50	107.0	.220
0.25	213.0	.440

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1.00 per annum. The rental may be adjusted to reflect changes in approved rates at the end of each three-year period to apply to the rental charges for the next three-year period.

§ 160.15 *Term of lease.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.16 *Application for renewals.* An application for renewal of lease should be executed and filed in triplicate on the combined application and lease form (4–721) at least 90 days prior to the expiration of the lease. The application may also include a request for the consolidation of other outstanding grazing leases held by the lessee. Such application does not confer on the lessee any preference right to a renewal but will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the provisions of the lease pending final action on the application for renewal.

§ 160.17 *Construction and maintenance of improvements*—(a) *Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses: *Provided*, That a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the provisions of the laws of the state in which the leased lands are located with respect to the cost and and maintenance of fences.

(b) *Applications for permits and cooperative agreements.* Applications for permits, cooperative agreements, or arrangements to construct and maintain range improvements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. When necessary to explain properly the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing the location of the improvements. Applications for a permit shall be made on Form 4–1115 and shall be filed in triplicate with the signing officer. Application for a cooperative agreement shall be made on Form 4–1119.

(c) *Action on the application.* Action will be taken on the application by the signing officer. If the application is approved, the signing officer will issue a permit or enter into a cooperative agreement for the construction and maintenance of the improvements which have been approved.

§ 160.18 *Removal of improvements.* (a) Upon the expiration of the lease or its earlier termination, the signing officer may in his discretion and upon written application filed by the lessee not more than 30 days after date of such expiration or termination, require a proposed subsequent lessee, prior to the execution

of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that have been placed upon the leased lands under authority of a section 15 lease executed prior to November 4, 1948, or thereafter, under a permit issued under § 160.17 (b). The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.12. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

(b) The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States. No improvements may be removed at any time the lessee is in default with respect to the lease.

§ 169.19 *Cancellation of lease.* If the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease and such default shall continue for 30 days after service of written notice thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and canceled by the signing officer.

§ 160.20 *Inspection of leased premises.* The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior. Other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary official business.

§ 160.21 *Assignment of lease; subleases.* No part of the leased lands may be subleased. The lessee may assign the lease only with the consent of the signing officer. The proposed assignment must be filed with the signing officer within 90 days from date of its execution, and shall contain all the terms and conditions agreed upon between the parties, and the assignee's agreement to be bound by the terms of the lease, together with triplicate copies of the combined application and lease form (4–721) properly executed by the assignee, setting forth all the data required thereby. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

§ 160.22 *Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.* (a) A lease may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the signing officer the status of the grazing lease and other pertinent information relating thereto.

(b) An application by a borrower-lessee for an extension of the lease term should be executed and filed in triplicate on combined application and lease form (4–721). When it appears that such extension will be in accordance with applicable law and not contrary to the public interest, the signing officer in his discretion may extend the lease for a period not to exceed 10 years from the date of the loan, subject to such terms and conditions as are then provided by the regulations in this part, and by the signing officer.

(c) If the property of the lessee which was the basis for the granting of a preference right is acquired by the lending agency through foreclosure or otherwise, such agency or its occupants of the property or a purchaser of the property from the agency, if qualified, may apply on combined application and lease form (4–721) to be recognized as the new lessee. If, in selling the property, the lending agency takes back a mortgage on the property, the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files in the office of the signing officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.23 *Appeals; filing.* An appeal from any decision rendered pursuant to §§ 160.1 to 160.23, inclusive, may be taken to the Director and the Secretary, in accordance with the rules of practice (Part 221 of this chapter). The appeal should be filed with the officer who rendered the decision.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ROSCOE E. BELL,
Associate Director.

Approved: July 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50–6107; Filed, July 14, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 160]

[BAI Order 382]

ALASKA FUR FARMING INDUSTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority contained in section 9 of the Alaska Game Law (57 Stat. 306; 48 U. S. C. 198), and section 2 of the act of April 30, 1946 (60 Stat. 127; 7 U. S. C. 434), is considering the issuance of new regulations for the control of the fur farming industry in Alaska. It is proposed to issue the regulations to read as follows:

Subchapter H—Fur Bearing Animals

PART 160—ALASKA FUR FARMING INDUSTRY

Sec.
160.1 Definition of terms.
160.2 Licenses of fur farmers.
160.3 Duties of fur farmers.

§ 160.1 *Definition of terms.* For the purpose of this part, unless the context otherwise clearly indicates:

(a) "Secretary" means the Secretary of Agriculture.

(b) "Commission" means the Alaska Game Commission, as created by the act of January 13, 1925, 43 Stat. 740, and amended by the act of July 1, 1943, 57 Stat. 303.

(c) "Territory" means the Territory of Alaska.

(d) "Person" in the singular or plural, as the case demands, includes individuals, associations, partnerships and corporations.

(e) "Fur farming" means the business of breeding, raising, or producing fur animals in captivity and the marketing of such animals or their products. The word "captivity" means having the fur animals under positive control, as in a pen or within an area of land or water which is completely enclosed by a generally escape-proof barrier.

§ 160.2 *Licenses of fur farmers.* (a) Every person engaged in fur farming shall procure a license annually, and upon request shall produce said license for inspection by all authorized agents of the United States or the Commission.

(b) The cost of said license shall be $2.00.

(c) Each application for a license shall be addressed to the Alaska Game Commission at Juneau, Alaska, and shall be made on a form prescribed by the Commission and accompanied by a bank draft or an express or postal money order payable to the Treasurer of the United States for the amount of the license fee.

(d) The license shall be issued pursuant to subdivision I, section 10 of the Alaska Game Law by the executive officer of the Commission through wildlife agents and other persons authorized by him in writing to sell such licenses.

§ 160.3 *Duties of fur farmers.* Each person carrying on fur farming shall, at all reasonable hours, allow any member or authorized employee of the Commission or any authorized employee of the United States to enter and inspect the premises where operations are being carried on as a fur farm, and to inspect the books and records relating thereto. Each person engaged in fur farming shall sub-

mit annually a written report on a form furnished by the Commission stating the numbers and kinds of fur animals farmed, the numbers and kinds of live animals or skins or pelts thereof bought or sold, and the methods of fur farming employed.

Any interested person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Chief, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 45 days from the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 11th day of July 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-6124; Filed, July 14, 1950; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENTS

Notice is hereby given that pursuant to authority contained in Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR 904) and the Administrative Procedure Act (60 Stat. 237), and in accordance with Order No. 4 as proposed to be amended (15 F. R. 4133), a public meeting will be held at Room 403, 230 Congress Street, Boston, Massachusetts, on July 17, 1950, at 11:00 a. m., to consider proposed amendments to the rules and regulations (7 CFR 904.101 et seq.) issued by the market administrator to effectuate the terms and provisions of the order. All persons who desire to submit oral data, views, or arguments in connection with the proposed amendments will be given an opportunity to do so at the hearing. All persons who desire to submit written data, views, or arguments in connection with the proposed amendments shall submit them to the market administrator at Room 403, 230 Congress Street, Boston, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., July 17, 1950.

The market administrator proposes the following amendments to the aforesaid rules and regulations, as amended:

1. Delete § 904.105 (b) (4), and substitute the following:

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter after being processed into that product. However, if the salted butter is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

2. Delete that portion of § 904.110 (c) which precedes the table of standard weights, and substitute the following:

(c) *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart can.

Issued at Boston, Massachusetts, this tenth day of July 1950.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 50-6164; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 925]

[Docket No. AO-226]

HANDLING OF MILK IN PUGET SOUND, WASH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900) notice is hereby given of a public hearing to be held at the U. S. Courthouse, Seattle, Washington, beginning at 10:00 a. m., P. d. s. t., August 1, 1950.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Puget Sound, Washington, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof:

Marketing agreement and order proposed by the United Dairymen's Association:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified herein.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying within Whatcom County; all territory lying west of range 8 E. in Skagit, Snohomish, and King Counties; all territory lying west of range 8 E. and within townships 18, 19, 20, 21 and 22 N. in Pierce County; all territory lying within Kitsap County; all territory lying east of range 4 W. in Mason County; all territory lying within Thurston County; all territory lying west of range 5 E. in Lewis County; all territory lying north of township 12 N. in Pacific County; and all territory lying south of T. 19 N. in Grays Harbor County; all in the State of Washington. As used in this definition "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above described area. The "Northern District" of the marketing area shall include that part of the marketing area lying within Skagit and Whatcom Counties and the "Southern District" shall include the remainder of the marketing area.

§ 925.7 *Route.* "Route" means any delivery (including a sale from a fluid milk plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drink, or cream in fluid form to a wholesale or retail stop(s) other than a milk distributing or milk processing plant.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any milk plant from which a route is operated within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any milk plant, other than a fluid milk plant, approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for disposition in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, or cream within the marketing area: *Provided,* That this definition shall not include any portion of the building or facilities of such plant used to receive or process milk or milk products required to be kept physically separate from milk so qualified.

§ 925.10 *Handler.* "Handler" means:

(a) Any person, irrespective of whether such person is a cooperative association, in his capacity as the operator of a fluid milk plant or country plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 925.11 *Unapproved plant.* "Unapproved plant" means any milk processing or milk distributing plant which is not a fluid milk plant or country plant.

§ 925.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at a fluid milk plant or country plant: *Provided*, That such milk is produced under a dairy farm permit or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler for his account to an unapproved plant, and milk so diverted shall be deemed to have been received at the fluid milk plant or country plant from which it was diverted.

§ 925.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either directly from producers or from other handlers.

§ 925.14 *Other source milk.* "Other source milk" means all milk and butterfat other than that contained in producer milk.

§ 925.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a fluid milk plant, but who receives no milk from producers.

§ 925.16 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.17 *Base milk.* "Base milk" means milk delivered by a producer each month, which is not in excess of his base multiplied by the number of days of delivery in such month.

§ 925.18 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utlization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 925.33; or

(3) Made payments pursuant to §§ 925.80 to 925.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association or its duly designated agent which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Reports of receipts and utilization.* On or before the 7th day of each month each handler, except a producer-handler, shall report to the market administrator for each fluid milk plant and country plant, in the detail and on forms prescribed by the market administrator, as to receipts during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The quantities of base and excess milk received; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show (a) the total pounds of base and excess milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 925.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8s (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42 and 925.43, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, yogurt flavored milk, flavored milk drinks, cream (sweet or sour), any mixture (except bulk ice cream mix) of cream and milk or skim milk in fluid form, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, and (3) in inventory variations of milk, skim milk and cream.

§ 925.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 925.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the fluid milk plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 925.45 (a) (1) and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located more than 120 miles from the County-City Building in Seattle by the shortest highway distance as determined by the market administrator: *Provided*, That if a handler transfers or diverts producer milk to any unapproved plant operated by him and such plant disposes of milk, skim milk, or cream in fluid form to any other unapproved plant distributing fluid milk which is located more than 120 miles from the County-City Building in Seattle such disposition of milk shall be deemed to be producer milk and shall be classified as Class I milk.

(d) (1) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 120 miles from the County-City Building in Seattle, and from which milk is disposed of in fluid form unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such unapproved plant; and

(ii) Such unapproved plant receives milk from dairy farmers whom the market administrator determines constitute its regular source of supply for Class I milk.

(2) If these conditions are met, the market administrator shall classify such milk as reported by the handler subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series, beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers who constitute the regular source of supply.

(e) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 120 miles from the County-City Building in Seattle and from which milk is not disposed of in fluid form.

§ 925.44 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 925.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 925.44, the marked administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II;

(2) Subtract from the pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 925.43 (a); and

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The

basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month) by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.8 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the provisions of §§ 925.52 and 925.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.8 the simple average, as computed by the market administrator, of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the United States Department of Agriculture during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subdivisions (1) and (2) of this subparagraph, subtract 80 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply by 1.40;

(b) Class II milk: Multiply by 1.15.

§ 925.53 *Location adjustment credit to handlers.* (a) With respect to milk, skim milk or cream actually moved from a country plant or from a fluid milk plant owned by a cooperative association to a fluid milk plant, the transferring handler shall be credited at the rate of 10 cents per hundredweight of the product moved if the distance between the plants is 5 to 20 miles and 25 cents if the distance is more than 20 miles: *Provided*, That with respect to milk, skim milk or cream actually moved from plants in the Northern District to fluid milk plants in the Southern District the transferring handler shall be credited at the rate of 25 cents per hundredweight of the product moved: *And provided further*, That the appropriate credit shall be limited to a quantity equal to the difference between the base milk of the transferee handler and the total amount of milk received directly from producers at the fluid milk plant of such handler.

(b) With respect to Class I milk disposed of from fluid milk plants in the Northern District, the Class I price shall be 25 cents less than the price determined pursuant to § 925.51 (a).

DETERMINATION OF BASE

§ 925.60 *Computation of daily base.* Subject to the base rules set forth in § 925.61, the market administrator shall compute a daily base for each producer in the following manner and such base shall be in effect for the months of April through March, inclusive:

(a) Except as provided in (b) of this section, divide such producer's deliveries of milk in the four months of his lowest production between the preceding months of September and February, both inclusive, by the number of days of delivery in such four months: *Provided*, That no month in which the producer delivered less than 15 days shall be used in such computations;

(b) If a producer did not deliver milk during four of the months in such six-month period September through February as required by (a) of this section, his base shall be computed by applying the following percentages, respectively, to his deliveries in the following months of April through March: *Provided*, That for each sequence of twelve months beginning with April 1951 the market administrator shall compute percentages which the market's four low months shall bear to deliveries in each of the preceding twelve months and subtract 10; and the resulting percentage shall become the base for new producers:

Month:	*Percentage*	Month:	*Percentage*
April	70	October	90
May	55	November	90
June	60	December	90
July	65	January	90
August	70	February	85
September	85	March	80

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A landlord who rents to a tenant is entitled to the entire base if the landlord owns the entire herd.

(b) A tenant who rents a farm is entitled to the entire base if the tenant owns the entire herd.

(c) In the event both landlord and tenant have ownership in a herd and such landlord-tenant relationship terminates, division of base shall be made proportionately based on the number of cows owned by each at the time of division.

(d) A producer with a base, whether landlord or tenant, may retain his base when moving his entire herd from one farm to another.

(e) A tenant or landlord who owns a herd having no base, who joins with a

landlord or tenant having a base, may earn a base under § 925.60 (b), but in this event the current base shall be relinquished and the new base shall be a combined base for both parties.

(f) A producer who does not deliver to a handler for more than 45 days shall lose his base and if he returns to a handler he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a).

(g) A producer who sells his entire herd to another producer may transfer his base to such purchaser.

(h) By notifying the market administrator at least 30 days in advance, a producer may relinquish his base established pursuant to § 925.60 (a) once in any year ending with February, and receive a base for the balance of such year in the manner provided by § 925.60 (b).

(i) In the event of a partnership, the base shall be a combined base and in the event of dissolution of the partnership shall be divided among the partners in proportion to the division of the herd.

(j) In the event of the death or retirement of a person having a base, such base may be transferred to an immediate member of his family who carries on the dairy operations: *Provided*, That such successor continues to supply the market without interruption.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 925.53: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.44 by the applicable class prices.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to §§ 925.80 and 925.84 for the preceding month.

(b) Add the aggregate of the values of the maximum allowable location adjustments to producers pursuant to § 925.81 (a) and (b).

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 925.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value of excess milk by multiplying the hundredweight of such excess milk by the Class II price for 4.0 percent milk.

(f) Compute the total value of base milk delivered by producer by subtracting the value computed pursuant to (e) of this section from the value computed pursuant to (d) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk by the Class I price (§ 925.51) such value in excess thereof shall be subtracted from the value of the base milk and added to the value computed in (e) of this section;

(g) Divide the result obtained in (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the result obtained in (e) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, each handler other than a cooperative association shall make payment to each producer for milk received from such producer during such month, as follows:

With respect to producers whose milk was caused to be delivered to such handler by a cooperative association which does not operate a fluid milk plant or country plant but which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph:

(1) At not less than the uniform price for base milk for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 925.82 and to the location differential set forth in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 925.82.

(b) On or before the 13th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for milk purchased or received from it during such month, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price.

§ 925.81 *Location adjustments to producers.* In making payments pursuant to § 925.80, the following deductions may be made:

(a) An amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received at country plants located at Lynden, Ferndale, Everson, Sumas, Burlington, Mt. Vernon, Conway, Arlington, Snohomish, Enumclaw, Yelm, Issaquah, Satsop, Sequim, Dungeness or Chehalis, or at any other country plant located more than 20 miles from the County-City Building in Seattle: *Provided*, That an additional amount of 10 cents per hundredweight may be deducted with respect to those country plants located on the Olympic Peninsula;

(b) An amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received from farms at loading platforms located at Conway or Elma, or at any other loading platform more than 20 miles from the fluid milk plant for which the milk is received, and reloaded to other trucks for delivery to such fluid milk plant.

(c) A further amount not in excess of 25 cents per hundredweight may be deducted with respect to producer milk received at the country plants specified in paragraph (a) of this section as a plant handling charge at such plants.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 for base and for excess milk, there shall be added to or subtracted from the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the base and excess milk received from the producer are above or below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the month, by 1.4 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, dividing the resulting amount by 10, and rounding to the nearest one-tenth of a cent.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 925.84 and 925.86, and out of which he shall make all payments to handlers pursuant to §§ 925.85 and 925.86, inclusive.

§ 925.84 *Payment to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by

which the value of the milk received by such handler from producers as determined pursuant to § 925.70 is greater than the amount required to be paid producers by such handler pursuant to § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 925.70 is less than the amount required to be paid producers by such handler pursuant to § 925.80 (a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 925.80 (a) if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments next following after the receipt of the balance from the market administrator.

§ 925.86 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 925.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services.

§ 925.88 *Expense of administration.* As his prorata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 925.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 825.93 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 925.101 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Proposed by Kitsap Dairymen's Association:

1. Eliminate the "Kitsap-Mason County peninsula" from the definition of "Puget Sound, Washington, marketing area" as proposed by the United Dairymen's Association.

Proposed by the Puget Sound Handlers Committee:

2. "Puget Sound Washington Marketing Area" means all territory lying within Whatcom County; all territory lying West of Range 8E in Skagit, Snohomish and King Counties; all territory lying within Clallam, Jefferson, Grays Harbor, Mason and Kitsap Counties; all territory lying West of Range 8E and within townships 18, 19, 20, 21, and 22N in Pierce County; all territory lying within Thurston County; all territory lying West of Range 5E in Lewis County; and all territory lying North of Township 12N in Pacific County. As used in this definition "territory" shall include all municipal corporations; Federal military reservations, facilities and installations; and state institutions lying wholly or partly within the above described area. The "Northern District" of the Marketing Area shall include that part of the Marketing Area lying within Skagit and Whatcom Counties and the "Southern District" shall include the remainder of the Marketing Area.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 12, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6161; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 950]

PEACHES GROWN IN UTAH

NOTICE OF PROPOSED RULES AND REGULATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that consideration is being given to the following proposed administrative rules and regulations submitted by the Administrative Committee functioning under the marketing agreement and Order No. 50 (7 CFR Part 950), regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended:

§ 950.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement No. 91 and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah.

(b) All terms used herein shall have the same meaning as when used in the marketing agreement and order.

§ 950.101 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to Administrative Committee, Room 412, State Capitol Building, Salt Lake City, Utah.

§ 950.104 *Exemption certificates.* (a) Each application for an exemption certificate shall be submitted on Form A "Application for Exemption from Grade and Size Regulation," which may be obtained from the Administrative Committee, and shall contain the following information:

(1) Name and address of applicant;

(2) Location of each orchard from which peaches will be shipped pursuant to the exemption certificate requested;

(3) Estimated total production of peaches from such orchard and all other orchards owned or controlled by such applicant;

(4) Estimated percentage of peaches of such production which cannot be shipped because of the then effective (i) grade regulation, and (ii) size regulation, together with the reasons why such percentage fails to meet the requirements of the grade and size regulations; and

(5) The total quantity of such peaches which the applicant shipped or otherwise disposed of since the beginning of the then current peach shipping season.

Each such application shall be accompanied by a statement of an authorized representative of the Federal-State Inspection Service showing that he has checked the orchards identified in such application and that he has determined, from a representative sample of the peaches, the percentage of such peaches which will meet the requirements of the aforesaid grade and size regulations; and such percentage shall be set forth in such statement.

(b) In the event the Administrative Committee finds that the applicant is entitled to an exemption certificate, it shall issue, or cause to be issued, an appropriate form of exemption certificate. If the Administrative Committee finds that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(c) Each producer who ships peaches, or causes peaches to be shipped, pursuant to an exemption certificate, shall submit promptly to the Administrative Committee an accurate report with respect to the disposition of each such shipment, and the date and quantity thereof.

§ 950.105 *Reports.* Each handler shall with respect to all peaches shipped by him each day, promptly report, or cause to be reported, to the Administrative Committee the point of origin of each shipment, the number and type of packages, the grades and sizes of the peaches, and the number of the railroad car or the license number of the truck in which such peaches were shipped.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed rules and regulations may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington, 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Issued this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6165; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 973]

[Docket No. AO-178-A2]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Minneapolis, Minnesota, on April 13, 1950, pursuant to notice thereof which was issued on March 23, 1950 (15 F. R. 1695).

The material issues of record related to (1) the addition of the city of Anoka to the marketing area, (2) revision of the classification of milk, specifically with respect to natural buttermilk, unaccounted for milk, and flavored milk in hermetically sealed containers, (3) allocation of milk received from nonpool plants, (4) revision of the Class II pric-

ing formula, (5) revision of the Class I differentials, (6) classification of receipts from producer-handlers, and (7) a reissuance of the entire order.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

(1) The marketing area should not be extended to include the city of Anoka. The only reason advanced by the proponent for including Anoka in the marketing area was the fact that he distributed milk there in competition with other persons who are not handlers subject to the regulation. At the present time milk is widely distributed by other handlers in communities outside the marketing area under competitive circumstances similar to those existing in Anoka. If Anoka were added to the marketing area it would appear equally logical to add these communities. However, it is neither practical nor feasible to extend the marketing area to include the entire territory within which handlers distribute milk. No evidence was presented tending to indicate the community as a market for milk is homogeneous with that of the present marketing area. The fact standing alone that milk is being distributed in Anoka in competition with milk not subject to regulation does not justify the extension of the marketing area to include such community.

(2) The classification of milk should be revised to provide that all unaccounted for milk be classified as Class I, and that flavored milk and flavored milk drinks in hermetically sealed containers be classified as Class II. No change should be made in the classification of natural buttermilk disposed of for fluid consumption, either plain or with culture added.

At the present time unaccounted for milk up to 1 percent of a handler's receipts is prorated over his entire utilization, and any additional amount is classified as Class I. It was proposed by one of the larger handlers in the market, that all unaccounted for milk be classified as Class I. It was the contention of this handler that, since virtually all the milk handled by the distributing plants is Class I, the slight reduction in total cost of milk to handlers resulting from the present proration is insignificant and is more than offset by the increased bookkeeping and accounting costs involved. The only other testimony concerning the proposal was made by the cooperative association which is the supplier of most of the handlers in the market, and which handles in its own plants virtually all of the Class II milk on the market. In large part its testimony was similar to that of the proponent. Since administrative experience tends to confirm this view, it has been concluded that all unaccounted for milk be classified as Class I.

Flavored milk and flavored milk drinks in hermetically sealed containers should be classified as Class II. These products are not subject to the local health regulations applicable to fresh fluid milk and milk drinks. They are made by nonhandlers, some of whom are located great distances from the marketing area. From an administrative standpoint, it would be unwise to classify such products as Class I. Placing these products in Class I would make the processors of them handlers subject to the order. Because of the location of the plants and the manner of distribution (normally through wholesale grocers rather than milk plants) it woud be highly impracticable to attempt to regulate such plants.

Natural buttermilk should continue to be classified as Class I when disposed of for fluid consumption either in its natural form or in the form of flavored milk or cultured buttermilk.

It was proposed by one of the handlers that the natural buttermilk resulting from the churning operations in the handler's own plant, be classified as Class II, even when disposed of as cultured buttermilk or flavored milk drinks. The proponent operates the only distributing plant in the market where any appreciable amount of butter is churned. The testimony shows that cultured buttermilk and flavored milk drinks made from natural buttermilk are indistinguishable from similar products made from skim milk. The health regulations applicable in the marketing area make no distinction between the two products. Reclassifying these products in Class II if made from buttermilk, would result in a decided competitive advantage to the proponent, since it would result in his being required to pay approximately 1.25 cents per quart less than other handlers for his raw product. It is concluded that the order should not be amended in this respect.

(3) No change should be made in the method of allocating milk received from nonpool plants. The proposed amendment would have prorated such milk rather than allocated it to the lowest class use as provided in the present order. The present provision has not operated to the disadvantage of the proponents but they advance their amendment solely on the basis of "principle." The principle upon which proponents rely, however, seems inappropriate in the circumstances of this market.

A major purpose of the Agricultural Marketing Agreement Act of 1937 is to assure that regulated markets are supplied with adequate quantities of pure and wholesome milk. Under present practice local communities determine, by virtue of the sanitary standards which they promulgate in the interest of protecting the health of such local communities, what is to be accepted as "pure and wholesome milk." The Federal Government does not enforce health and sanitation standards for milk. Consequently the reference in the act to "pure and wholesome milk" means milk meeting the sanitation standards of local health authorities and it is, therefore, a policy of the act to provide for adequate supplies of locally approved milk for regulated marketing areas.

Under the circumstances of this market proponent's suggested amendment would have two consequences:

(a) It would tend to reduce at certain times the returns which farmers receive for milk which is produced in conformity with the local sanitary standards applicable in this marketing area and this, in turn, would tend to hinder the production of an adequate supply of locally produced milk, and

(b) It would increase the incentive for milk handlers to substitute milk which does not meet sanitation standards of this market for milk which does meet such standards. Both of these consequences are objectionable under the act.

(4) The Class II pricing formula should be revised to more accurately reflect actual yields of butter and nonfat dry milk solids and to provide a more realistic allowance for manufacturing costs. At the present prices of butter and nonfat dry milk solids, the net effect of the change would be a reduction of approximately 6 cents per hundredweight. Specifically, the proposed change would (a) increase the presumed yields of butter and nonfat dry milk solids from 4.2 and 7.7 pounds respectively, to 4.24 and 8.2 pounds, (b) use the price of spray process nonfat dry milk solids, rather than the average of the prices of spray and roller process, and (c) increase the "make allowance" from 42 cents to 65 cents per hundredweight of milk.

The proposed yields, on the basis of recent studies introduced in evidence, will much more nearly reflect the actual operations of manufacturing plants under the order than do the present yield factors. Since virtually all of the powder manufactured under the order is spray process, it has been deemed proper to use the price of it alone rather than the average of the prices of both spray and roller process.

The proposed "make allowance" of 65 cents is intended not only to reflect the increased costs of plant operation which have occurred since the original formula was adopted in 1945, but also to establish a price for manufacturing milk comparable to that being paid by plants located adjacent to the marketing area. During February (the last month for which figures are available in the record) the average price paid for milk by seven manufacturing plants operated by nonhandlers located within 25 or 30 miles of the marketing area was $3.03 per hundredweight. The proposed formula would have resulted in a price of $3.02.

The only plant for which actual figures are shown in the record had an actual cost of 61 cents per hundredweight. This plant, however, handles a much larger volume of milk than the average plant and is locally considered to operate much more efficiently than the average plant in the area.

It is concluded that the proposed allowance of 65 cents will establish a price for manufacturing milk competitive with that being paid locally, in addition to reflecting the increased costs of processing milk.

A group of Wisconsin manufacturing plants which are not subject to the order and which are located beyond the outer limits of the milkshed, urged that the proposed formula should be reduced substantially and fixed at about the level of the Class IV price in the Chicago market.

The Class IV price in the Chicago market, however, applies only to milk used to produce butter, cheese, and nonfat dry milk solids and is not comparable to the Class II price in the Minneapolis market which is applicable to a wide variety of products, including ice cream, cottage cheese, evaporated and condensed milk and others, many of which are priced substantially higher under the Chicago order.

In order to bring the Class II butterfat differential in line with the change in the butter yield proposed above, the "overrun" factor in the butterfat differential should be changed from 20 percent to 21.14 percent.

(5) The Class I differential for the months of August through November should be reduced from $1.00 to 85 cents. The present differentials were established when the market was in a period of transition from a Nongrade A to a Grade A status. The shift of producers to Grade A production has been very rapid and virtually the entire supply for the market is now of Grade A quality. It appears that the present differentials, if maintained during the months of August through November, would result in a higher Class I price than necessary to maintain an adequate supply of milk for the market. Under the present order the Class I price during those months would be somewhat higher than the Class I price under the Chicago order at the points where the two milksheds are contiguous and might result in drawing milk from the Chicago to the Minneapolis market. During the other months the differentials are such as to maintain a reasonable balance between the two milksheds. The proposed reduction in the differential during these months, would bring the Class I prices in the two orders more nearly in line and would remove the incentive for producers to shift from the Chicago to the Minneapolis-St. Paul market.

The proposal to increase the Class I differential from 70 cents to 85 cents during the month of July should be denied. It appears that there will be an ample supply of milk during the month and that no additional incentive is needed.

Likewise, the proposal that the Class I differential be increased 5 cents during the months of August through November should the basic price be $3.00 or more should be denied. While there is undoubtedly some merit to changing the amount of the differential when there are wide changes in the basic price, the record evidence on this proposal is sketchy. A much more comprehensive analysis of the problem should be made before any action is taken on the proposal.

The alternative basic price which incorporates the "butter-cheese" formula should be revised to delete the reference to "Twins." In recent years there have been very few prices for "Twins" quoted on the Wisconsin Cheese Exchange. As a consequence the price of "Cheddars" has been used continuously in the formula. The terms of the order should be revised to conform to the existing conditions.

(6) A producer-handler who disposes of skim milk or butterfat to another handler should be considered a producer with respect to such sales only if they are of whole milk. Sales of skim milk or cream by a producer-handler should be considered inter-handler sales and should be outside the pricing provisions of the order. The present construction of the order in this respect has created several problems, and from an administrative point of view it is imperative that the proposed change be made.

(7) The entire order should be renumbered and reissued to conform to the numbering system now required by the FEDERAL REGISTER. The reissuance and renumbering of the entire order will have no substantive effect except as to those provisions of the order which specifically should be amended as aforesaid. The issuance of a complete amended order at this time with section numbering conforming to FEDERAL REGISTER requirements is desirable so that all of the provisions of the order, as amended, will be readily accessible in a single document.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Twin City Milk Producers Association, Dairy Cooperative Institute, Maple Island, Inc., and L. J. Haack doing business as Anoka Dairy.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the fact found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (a) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (b) is transferred as Class I milk from such plant to a plant described in paragraph (a) of this section unless such transfer is made only during the months of August to November, inclusive, or (c) is transferred as Class I milk from such plant to a plant described in paragraph (b) of this section unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another

pool plant until August 1 of the year following that in which such transfer was last made.

§ 973.6 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in § 973.5. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in § 973.5.

§ 973.7 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 973.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

§ 973.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration hereof.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(c) Recommend to the Secretary amendments hereto; and

(d) Make rules and regulations to effectuate the terms and provisions hereof.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80 and 973.83; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(f) Prepare and disseminate to the public such statistics and information concerning the operations hereunder as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period of reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants, and the sources thereof;

(b) The utilization of all skim milk or butterfat disposed of;

(c) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (c) payments to producers and cooperative associations, and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified

by the market administrator pursuant to the provisions of §§ 973.41 to 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (except flavored milk and flavored milk drinks in hermetically sealed containers), cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (2) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(d) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in Class II the pounds of skim milk received from nonpool plants: *Provided,* That if the receipts from nonpool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (2) subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to § 973.43 (a); (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided,* That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall, subject to the provisions of §§ 973.52 and 973.53, pay at the time and in the manner set forth in § 973.80 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; plus 85 cents during the delivery periods of August to November, inclusive.

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received; (2) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph and (4) subtract 65 cents therefrom.

§ 973.51 *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to § 973.50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture;

Companies:	*Locations*
Borden Co.,	Mountain Pleasant, Mich.
Carnation Co.,	Sparta, Mich.
Pet Milk Co.,	Hudson, Mich.
Pet Milk Co.,	Wayland, Mich.
Pet Milk Co.,	Coopersville, Mich.
Borden Co.,	Black Creek, Wis.
Borden Co.,	Greenville, Wis.
Borden Co.,	Orfordville, Wis.
Borden Co.,	New London, Wis.
Carnation Co.,	Chilton, Wis.
Carnation Co.,	Berlin, Wis.
Carnation Co.,	Richland Center, Wis.
Carnation Co.,	Oconomowoc, Wis.
Carnation Co.,	Jefferson, Wis.
Pet Milk Co.,	New Glarus, Wis.
Pet Milk Co.,	Belleville, Wis.
White House Milk Co.,	Manitowoc, Wis.
White House Milk Co.,	West Bend, Wis.

(b) (1) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced one cent for each full mile that such plant is more than

15 miles distant from such viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this section the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

§ 973.53 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.50 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.54 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.46, 973.50 to 973.54, 973.70 to 973.73, 973.80 to 973.84, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat in bulk in the form of whole milk to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

§ 973.63 *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.71, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided*, That if any skim milk has been subtracted pursuant to § 973.45 (a) (3), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

§ 973.71 *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(a) To the value computed pursuant to § 973.70 add an amount equal to the total value of the location differentials computed pursuant to § 973.82.

(b) From the sum obtained in paragraph (a) of this section subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiply the result by the total hundredweight of milk received directly from producers' farms.

(c) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(d) Divide the result by the total hundredweight of milk received directly from producers' farms.

(e) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

§ 973.72 *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.50 and the butterfat differentials computed pursuant to § 973.53 and § 973.81.

§ 973.73 *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to § 973.71.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82.

(b) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of the payment made pursuant to paragraph (d) of this section.

(c) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.50, subject to the differentials set forth in §§ 973.52 and 973.53, and less the amount of the payment made pursuant to paragraph (d) of this section.

(d) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such viaduct.

§ 973.83 *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in § 973.80 shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (a) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (b) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.70.

§ 973.84 *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 973.80 and 973.83;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his prorata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information: (1) The amount of the obligation; (2) the month(s) during which the milk, with respect to which the obligation exists, was received or handled; and (3) if the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market adminstrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market adminstrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Filed at Washington, D. C. this 12th day of July 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-6163; Filed, July 14, 1950; 8:56 a. m.]

[7 CFR, Part 998]

IRISH POTATOES GROWN IN NEW JERSEY

EXEMPTION CERTIFICATES AND SAFEGUARDS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the rules, regulations, and determinations hereinafter set forth which were recommended by the New Jersey Potato Marketing Committee established under Marketing Agreement No. 116 and Order No. 98 (15 F. R. 1925, 2036) regulating the handling of Irish potatoes grown in New Jersey, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., so as to be received by him not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed rules, regulations, and determinations are as follows:

Sec.
998.101 Definitions.
998.102 Area determinations.
998.103 Exemption certificates.
998.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 998.101 to 998.104 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707, 62 Stat. 1247; 63 Stat. 1051.

§ 998.101 *Definitions.* For the purpose of §§ 998.101 to 998.104, "agreement" means Marketing Agreement No. 116 and "order" means Order No. 98 (15 F. R. 1925, 2036), regulating the handling of Irish potatoes, grown in New Jersey, and the terms used in such sections shall have the same meanings as set forth in said agreement and order.

§ 998.102 *Area determinations.* The committee determines, pursuant to § 998.68, that:

(a) "Immediate production area" means each one of the districts established pursuant to § 998.11; and

(b) "Immediate shipping area" means each one of the districts established pursuant to § 998.11.

§ 998.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 998.51, shall file such application with the committee, or its duly designated agent, for such purpose on forms to be furnished by the committee.

Each application shall state (i) the name and address of the applicant for exemption, (ii) the grade, size, and quality regulations from which exemption is requested, and (iii) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1), (2), and (3) of this paragraph, and the information required on handler applications by subparagraphs (4) and (5) of this paragraph:

(1) The location of the farm or farms on which potatoes, for which exemption is requested, were produced, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if the exemption is granted;

(2) The applicant's acreage of potatoes, by varieties, for the production season in which the application is filed, the total hundredweight of such potatoes harvested on the date of the application, and the total hundredweight of such harvested potatoes which have been disposed of;

(3) The acreage of potatoes which the applicant will harvest subsequent to the date of such application, the estimate total yield therefrom, the estimated percentage thereof which can be handled under regulations in effect at the time of such harvest, and the reasons why the remainder of such unharvested potatoes can not be handled under such regulations;

(4) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, together with a statement as to the reasons why the specified quantity of such potatoes remaining in storage can not be handled under regulations in effect on and subsequent to the date of the application;

(5) The quantity (by grade, size, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application.

(b) *Issuance.* (1) The committee shall give prompt consideration to all statements and facts relating to each application for exemption and, pursuant to the applicable terms of the marketing agreement and order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 998.68: *Provided,* That subcertificates of exemption may be issued, at the request of an applicant, where the total quantity of potatoes authorized to be handled under exemption will be handled in more than one shipment. If the applicant's request for exemption is denied, he shall be so notified in writing.

(2) Each exemption certificate issued pursuant hereto shall be on a form duly approved by the committee and signed by

an authorized representative of the committee. Each exemption certificate shall be issued in triplicate, with the original and one copy delivered to the person receiving the exemption, and one copy retained for the committee's records. Each such certificate shall contain the name and address of the recipient; the location and quantity of all potatoes authorized to be shipped under the exemption certificate; and the exceptions from the grade and size regulations which will be permitted in the exempted shipments.

(c) *Transfer of certificates.* Certificates or subcertificates of exemption shall be transferred with each lot of potatoes handled. The transferor of such certificates shall notify the committee within seven days following such transfer, stating the name and address of the person to whom the potatoes were sold or delivered, the quantity sold or delivered, date of the transaction, and such other information as may be requested by the committee.

(d) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee pursuant to § 998.69.

§ 998.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) Pursuant to the provisions of § 998.55 and when shipments of potatoes for the following purposes are subject to regulation pursuant to § 998.52, all handlers desiring to make shipments of potatoes for seed, for export, for manufacture or conversion into specified products, or for livestock feed, shall first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, proof of contract, and such other information as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(b) *Shipments of seed potatoes.* Each handler of seed potatoes, when the handling of seed potatoes is subject to regulation pursuant to § 998.52, shall handle such potatoes only after procuring a Certificate of Privilege and supplying an official seed potato certification applicable to such seed potatoes, to the committee; such certification shall contain the name and address of the handler, car or truck number, quantity handled, variety, and destination.

(c) *Commercial shipments other than seed potatoes.* Each handler shipping potatoes for any purpose set forth in paragraph (a) of this section (other than seed) shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

(d) The committee may rescind a Certificate or Certificates of Privilege issued to a handler pursuant hereto, or deny a Certificate or Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has handled potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 12th day of July 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-6160; Filed, July 14, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 51]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

The Consulate General at Bratislava, Czechoslovakia, was officially closed on June 6, 1950.

The American Embassy at Praha is responsible for the duties previously performed by the Consulate General at Bratislava.

For the Secretary of State.

J. CARNEY HOWELL,
Director,
Office of Management and Budget.

JULY 11, 1950.

[F. R. Doc. 50-6130; Filed, July 14, 1950; 8:53 a. m.]

POST OFFICE DEPARTMENT

KOREA

SUSPENSION OF MAIL SERVICE

Effective at once, all mail and parcel-post service (surface and air) to Korea is temporarily suspended.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-6122; Filed, July 14, 1950; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13149]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 7, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 67 E.,
Sec. 12, SE¼.
T. 1 N., R. 68 E.,
Sec. 7, lot 4.
T. 17 N., R. 66 E.,
Sec. 12, W½E½.
T. 20 N., R. 19 E.,
Sec. 33, NW¼NE¼.
T. 23 N., R. 64 E.,
Sec. 6.
T. 36 N., R. 42 E.,
Sec. 16, NE¼NW¼.

The areas described aggregate 1,069.61 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under

any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

DUPUE FALCK,
Acting Director.

[F. R. Doc. 50-6108; Filed, July 14, 1950; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Community Workshops of R. I., Inc., 79–83 North Main Street, Providence, R. I.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

The Volunteers of America, 36–30 N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective July 1, 1950, and expires June 30, 1951.

Buffalo Goodwill Industries, Inc., 153 North Division Street, Buffalo 3, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective July 10, 1950, and expires June 30, 1951.

Goodwill Industries of Philadelphia, Inc., 520 Ludlow Street, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Charlotte Workshop for the Blind, Charlotte, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 47 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Lion's Club Workshop for the Blind, Durham, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Guilford Industries for the Blind, Greensboro, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Goodwill Industries of the Zanesville Welfare Organization, 108 Main Street, Zanesville, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

The Cleveland Society for the Blind, 2275 East Fifty-fifth Street, Cleveland 3, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1950, and expires May 31, 1951.

Christ Mission Goodwill Industries, 330 East Boardman Street, Youngstown, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1950, and expires June 30, 1951.

Calumet Goodwill Industries, Inc., 32–34 State Street, Hammond, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees en-

gaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 3, 1950, and expires June 30, 1951.

Goodwill Industries of Arizona, 910 East Sherman Street, Phoenix, Ariz.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective June 21, 1950, and expires June 20, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of July 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 50-6118; Filed, July 14, 1950; 8:47 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Anvil Brand, Inc., 140 South Hamilton Street, 318 Willowbrook Street, High Point, N. C., effective 6-29-50 to 7-25-50; 200 learners for expansion. (Pants, overalls, etc.)

Blakely Mfg. Co., 310 South Blakely Street, Dunmore, Pa., effective 6-23-50 to 7-25-50; 10 percent. (Women's slips.)

The Chenille Products Corp., 6 West Third Avenue, Rome, Ga.; supplemental certificate; effective 7-3-50 to 7-25-50; 20 learners for expansion. (Ladies' cotton skirts.)

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa.; supplemental certificate; effective 6-23-50 to 7-25-50; 25 learners for expansion. (Brassieres.)

J. Halpern Co., New Eagle, Pa., effective 6-28-50 to 7-25-50; 10 percent. (Masquerade costumes.)

The House of Pinquet, Belding, Mich., effective 7-3-50 to 7-25-50; 10 learners for expansion. (Coats and snowsuits.)

Nardis Sportswear, Inc., 409 Browder Street, and 400 South Foydras, Dallas, Tex., effective 6-23-50 to 7-25-50; 10 percent. (Dresses.)

Nardis Sportswear, 400 South Foydras, Dallas, Tex., effective 6-23-50 to 7-25-50; 20 learners. (Sportswear.)

S & R Mfg. Co., Coderus, Pa., effective 6-23-50 to 7-25-50; 10 percent. (Trousers.) (Supersedes certificate effective 2-15-50, expiring 7-25-50, for 5 learners.)

Sweet Adeline, Inc., 454 North Parkside Avenue, Chicago 44, Ill., effective 7-5-50 to 7-25-50; 10 percent. (Blouses and housecoats.)

The Warner Brothers Co., Malone, N. Y., effective 7-3-50 to 7-25-50; 50 learners for expansion. (Corsets and brassieres.)

Whitaker Mfg. Co., Stanton, Texas, effective 7-3-50 to 7-25-50; 21 learners for expansion. (Shirts and pants.)

Cigar Learner Regulations, (29 CFR, 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

H. N. Housper & Sons, Inc., 228-30 High Street, Hanover, Pa., 10 percent; effective 7-3-50 to 7-24-50, cigar packing (cigars retailing for over 6c) 320 hours, 60c per hour; cigar packing (cigars retailing for 6c or less) 160 hours, 60c per hour; machine stripping, 160 hours, 60c per hour; cigar machine operating, 320 hours, 60c per hour.

Webster Tobacco Co., Inc., 7th and Washington Streets, Reading, Pa., 10 percent; effective 7-3-50 to 7-24-50, cigar packing (cigars retailing for over 6¢) 320 hours, 60¢ per hour; cigar packing (cigars retailing for 6¢ or less) 160 hours, 60¢ per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 7th day of July 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-6117; Filed, July 14, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8298]

R. I. BROADCASTING CO. (WRIB)

ORDER REOPENING RECORD

In re application of R. I. Broadcasting Company (WRIB), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479; for modification of its construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration (1) the Examiner's Initial Decision herein, released on March 30, 1950; (2) a Petition to Reopen the Record, filed on May 8, 1950, and a Supplemental Petition, filed on May 16, 1950, by the applicant herein; and (3) a Statement Relating to Petition to Reopen Record, filed on May 10, 1950, by the General Counsel of the Commission; and

It appearing, that in the said Initial Decision the Examiner made certain findings and conclusions as to the policies of applicant in the sale of broadcast time to time-brokers; that the General Counsel in his above-mentioned statement has expressed an intention to file exceptions to the Initial Decision in connection with the time-brokerage policies therein considered; that in the foregoing petition and supplemental petition the applicant has requested that the record be reopened for the purpose of incorporating the affidavits of its president to the effect that it will not in the future sell time to time-brokers and that all its time brokerage contracts have either expired or been cancelled, and that thereupon the record be closed; and

It appearing, that while under the circumstances in this proceeding the applicant should be permitted to incorporate in the record the facts relating to its policy and practices as to time brokerage contracts, such incorporation should be made at a hearing rather than by ex parte affidavits; and that the Examiner's Initial Decision should reflect the facts so established, which occurred after the close of the record herein;

It is ordered, That insofar as the above-mentioned petition and supplemental petition of R. I. Broadcasting Company request that the record be reopened for the purpose of receiving the affidavits attached thereto, the said petitions are denied; but insofar as they

request reopening of the record, the said petitions are granted; the Initial Decision herein, released on March 30, 1950, is vacated and set aside; the record is reopened and the proceeding is remanded to the Examiner previously appointed, for the purpose of affording the applicant an opportunity to establish of record the facts recited in the said affidavits.

Released: July 7, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6143; Filed, July 14, 1950; 8:52 a. m.]

[Docket No. 9319]

RADIO STATION WISE, INC.

ORDER CONTINUING HEARING

In re application of Radio Station WISE, Inc. (WISE), Asheville, North Carolina; Docket No. 9319, File No. BP-7132; for construction permit.

The Commission having under consideration a motion filed by Radio Station WISE, Inc., requesting the Commission to continue the hearing in the above-entitled application now scheduled to begin on July 14, 1950; and

It appearing that on June 13, 1950, the applicant filed a petition requesting the Commission to reconsider its action designating the application for hearing, and to grant the application without hearing, which petition is now pending before the Commission, and it cannot be determined at this time when said petition will be acted upon, and no objection having been filed to the granting of said motion;

It is ordered, This the 7th day of July 1950, that the motion for continuance is granted and the hearing in the above-entitled application is continued from July 14, 1950, to a date to be announced by the Commission after acting on the presently pending petition for reconsideration and grant of said application without a hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6146; Filed, July 14, 1950; 8:53 a. m.]

[Docket Nos. 9556, 9557, 9686]

NARRAGANSETT BROADCASTING CO. (WALE) ET AL.

ORDER POSTPONING HEARING

In re applications of Narragansett Broadcasting Company (WALE), Fall River, Massachusetts, Docket No. 9556, File No. BP-2076; for renewal license. Bay State Broadcasting Company, Fall River, Massachusetts, Docket No. 9557, File No. BP-7315; Eastern Connecticut Broadcasting Company (WICH), Norwich, Connecticut, Docket No. 9686, File No. BP-7599; for construction permits.

The Commission having under consideration a petition, filed July 3, 1950, by Eastern Connecticut Broadcasting Company, licensee of Station WICH, requesting a postponement of the hearing in the above-entitled consolidated proceeding presently scheduled for hearing on July 10, 1950, in Fall River, Massachusetts, insofar as the presentation of evidence on behalf of petitioner only is concerned, for approximately 30 days, or to some later convenient date, in Washington, D. C.; and

It appearing, that Station WICH has completed engineering studies which indicate that, so far as the two Fall River proposals are concerned, no interference is caused by the present operation of Station WICH and little, if any, interference will be caused by its pending proposal, with a complete study of the data being necessary to resolve the latter question; that a preliminary study also indicates there will be no interference between Station WICH and Station WHMP, Northampton, Massachusetts, the latter a party to the above-entitled hearing with reference to the proposed operation of Station WICH; and that such continuance is desirable in order that amendments reflecting the results of such engineering studies and request for severance may be filed by petitioner with the Commission; and

It further appearing, that all parties to the above proceeding have consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of such petition;

It is ordered, This 6th day of July 1950, that the hearing in this consolidated proceeding, only insofar as it pertains to the presentation of evidence in Docket 9686, be, and the same is hereby, postponed to a date to be hereafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6144; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9565, 9566, 9626]

HENRY LEE TAYLOR ET AL.

ORDER CONTINUING HEARING

In re applications of Henry Lee Taylor, San Antonio, Texas, Docket No. 9565, File No. BP-7038; John H. Mayberry tr/as Winter Garden Broadcasting Company, Crystal City, Texas, Docket No. 9566, File No. BP-7255; Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas, Docket No. 9626, File No. BMP-5034; for construction permits and modification of construction permit.

The Commission having under consideration a petition filed June 30, 1950, by the Community Broadcasting Company, applicant in Docket No. 9626, and a petition filed July 6, 1950, by Winter Garden Broadcasting Company, applicant in Docket No. 9566, each requesting a continuance of the above-entitled proceeding; and

It appearing that on June 29, 1950, Henry Lee Taylor, applicant in Docket No. 9565, filed a petition requesting the Commission to dismiss his application; and

It appearing that the dismissal of the application of Henry Lee Taylor will eliminate the interference which would have resulted from the simultaneous operation of the station proposed by him and the station proposed by Winter Garden Broadcasting Company; and

It appearing that John H. Mayberry, one of the stockholders in Community Broadcasting Company, is negotiating for the sale of his interest in a second broadcasting station, which, if consummated, will render unnecessary a hearing on one of the issues to be developed; and

The General Counsel having consented to the requested continuance and good cause having been shown that the petitions should be granted;

It is ordered, This the 7th day of July 1950, that the petitions for continuance are granted, and the hearing in the above-entitled proceeding is continued from July 10, 1950, to September 5, 1950, at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6145; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9594, 9595]

PACIFIC COAST BROADCASTING CO. (KXLA)

ORDER CONTINUING HEARING

In re application of Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9594, File No. BML-1328; for modification of license. In re order to show cause directed to Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9595, File No. BS-1189.

The Commission having under consideration the petition of Pacific Coast Broadcasting Company (KXLA), filed on June 26, 1950, requesting that the hearing in the above-entitled proceeding now scheduled to commence in Washington, D. C. on August 1, 1950, be continued to September 11, 1950; and

It appearing, that no objection to the granting of the instant petition has been filed with the Commission;

It is ordered, This 7th day of July 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, September 11, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6147; Filed, July 14, 1950; 8:53 a. m.]

[Docket No. 9620]

TWIN CITY RADIO DISPATCH, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of Twin City Radio Dispatch, Inc., Docket No. 9620; applications for modification of licenses for 1 base station and 1 mobile station of 100 mobile units to operate in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota (Files Nos. 4577 and 4668-C2-ML-E).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission, having under consideration its order of March 28, 1950, instituting the consolidated proceedings in Dockets Nos. 9619 and 9620, and having also under consideration the order of June 9, 1950, relating thereto, adopted by the Motions Commissioner, accepting an amendment to the applications filed by Newton Z. Wolpert and removing said applications from hearing status; and

It appearing, that the Commission is unable to determine that the public interest, convenience or necessity would be served by a grant of the instant applications; and

It further appearing desirable to amend the order of March 28, 1950, herein so as to remove therefrom the issues which are now moot and to restate the issues to be determined with respect to the applications of Twin City Radio Dispatch, Inc.;

It is ordered, That the last ordering clause of the Commission's order of March 28, 1950, herein is hereby amended to read as follows:

It is further ordered, That, pursuant to the provisions of section 309 (a) of of the Communications Act of 1934, as amended, the applications of Twin City Radio Dispatch, Inc., are designated for hearing at St. Paul, Minnesota on July 21, 1950, upon the following issues:

1. To determine the justification of Twin City Radio Dispatch, Inc., for the assignment to it of more than one communications channel (one frequency pair).

2. To determine whether Twin City Radio Dispatch, Inc., has directly or indirectly made any unjust or unreasonable discrimination in its charges, practices, classifications, regulations, facilities or services for, or in connection with, communication service afforded through its radio stations KAA282 and KA2605, contrary to the provisions of section 202 (a) of the Communications Act of 1934, as amended, or has charged, demanded, collected or received a greater, less or different compensation for such communication service than that specified in legally applicable tariff schedules, or has unlawfully refunded or remitted a portion of the charges so specified.

3. To determine whether, since October 24, 1947, the date on which Twin City Radio Dispatch, Inc., filed with the Commission its first applications for radio authorizations, there has been any transfer of control with respect to Twin City Radio Dispatch, Inc., which has not been reported to, or approved by, the Commission, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended, and § 1.322 of the Commission's rules and regulations.

4. To determine whether Twin City Radio Dispatch, Inc., has misrepresented to the Commission the facts and circumstances relating to the control of such corporation.

5. To determine, in the light of the evidence on issues 2, 3 and 4 above, whether Twin City Radio Dispatch, Inc., is qualified to be a radio station licensee in the Domestic Public Land Mobile Radio Service.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of said applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence on the foregoing issues, whether the grant of the instant applications would serve the public interest, convenience or necessity.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6142; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. 9723-9731]

ROBERT C. CRABB ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the domestic public land mobile radio service of Robert C. Crabb, Los Angeles, California, Docket No. 9723, Files Nos. 4118/4119-C2-ML-E; Lyman G. Berg and C. W. Coleman, d/b as American Telephone Answering Service and Physicians Exchange, Signal Hill (Long Beach), California, Docket No. 9724, Files Nos. 3977/3978-C2-ML-E; W. T. German, d/b as United Radio Communications, San Diego, California, Docket No. 9725, Files Nos. 3538/3539-C2-ML-E; Art Parlas, d/b as Tri-City Radio Dispatch Company, San Bernardino, California, Docket No. 9726, Files Nos. 5003/5004-C2-ML-E; Business and Professional Telephone Exchange, Los Angeles and Pasadena, California, Docket No. 9727, Files Nos. 2036/2037-C2-L-E and 364-C2-P-E; Benjamin H. Warner & Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California, Docket No. 9728, Files Nos. 3744/3745-C2-P-E; H. W. Ziegler & H. Paul Roman, d/b as Automotive Communications Company, Pomona, California, Docket No. 9729, Files Nos. 18646/18647-C2-P-D; Clyde Downen, Downey, California, Docket No. 9730, Files Nos. 23/24-C2-P-E; G. Earle Colee & Christine N. Colee, d/b as Telephone Answering Bureau, Santa Monica, California, Docket No. 9731, File No. 8099-C2-P-E.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the domestic public land mobile radio service in the city of Los Angeles and nearby communities;

It appearing, that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's report and order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing public radio communication services (other than maritime mobile), each frequency available for assignment in the domestic public land mobile radio service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in over-lapping service areas and that a grant of such applications might result in harmful mutual interference;

It is ordered, that, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Los Angeles, California, on a date to be hereafter specified, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether and to what extent adjacent channel operations may be feasible.

5. To determine the extent and degree of mutual interference which would be caused by operation of the proposed stations.

6. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of domestic public land mobile radio service.

7. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6141; Filed, July 14, 1950; 8:52 a. m.]

THIRD PARTY MESSAGES BETWEEN AMATEUR STATIONS OF U. S. AND ECUADOR

In accordance with an official notice received from the Department of State, the Commission is today announcing that a bilateral agreement between the United States and Ecuador directly affecting licensed amateurs of the two countries has been concluded by an exchange of notes. The terms of this agreement provide that amateur radio stations of Ecuador and of the United States may exchange internationally messages or other communications from or to third parties: *Provided*:

1. No compensation may be directly or indirectly paid on such messages or communications.

2. Such messages or communications shall be of a character that would not normally be sent by any other existing means of telecommunication. To the extent that in the event of disaster, other means of telecommunication are not readily available for expeditious handling of communications relating directly to safety of life or property, such means shall not be considered to be an existing means, and such communications may be handled by amateur stations of the respective countries.

3. This arrangement shall apply to all the continental and insular territory of Ecuador and to the United States and its territories and possessions, including Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands, and to the Panama Canal Zone. It shall also be applicable to the case of amateur stations licensed by the United States authorities to United States citizens in other areas of the world.

4. This arrangement shall be subject to termination by either Government on sixty days notice to the other Government, by further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

As a matter of related interest, amateur stations licensed by the Federal Communications Commission heretofore have been able, under and in accordance with the terms of previously effected arrangements, to exchange internationally messages or other communications from or to third parties with amateur stations of Canada, Chile, and Peru.

Released: July 10, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6148; Filed, July 14, 1950; 8:53 a. m.]

[Docket No. 7497]

DON LEE BROADCASTING SYSTEM (KGB)

ORDER CONTINUING HEARING

In re application of Thomas S. Lee Enterprises, Inc., d/b as Don Lee Broadcasting System (KGB), San Diego, California, Docket No. 7497, File No. BP-4330; for construction permit.

The Commission having under consideration a pleading filed July 7, 1950, by the applicant herein requesting that the hearing on the above-entitled application now scheduled to begin on July 18, 1950, be continued indefinitely; and

It appearing that on May 31, 1950, the applicant herein filed a petition requesting the Commission to reconsider its action of May 11, 1950, designating the above-entitled application for hearing and to grant said application without hearing, and that on June 29, 1950, Radio Modesto, Inc. (KMOD), respondent herein, filed a petition in opposition thereto, and it cannot be determined at this time when the Commission will be in a position to act on said petitions; and

Counsel for all parties having consented to the requested continuance and to waive the requirements of § 1.745 of the Commission's rules insofar as said section requires that pleadings must be on file for 4 days before being acted upon, and good cause having been shown that the request should be granted;

It is ordered, This the 11th day of July 1950, that the request for continuance is granted, and the above-entitled hearing now scheduled to begin on July 18, 1950, is continued to a date to be announced by the Commission after determining the action to be taken on the hereinbefore mentioned petition to reconsider and grant the application without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6203; Filed, July 14, 1950; 8:59 a. m.]

[Docket Nos. 9393, 9610, 9714]

KWHK BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of KWHK Broadcasting Company, Inc. (KWHK), Hutchinson, Kansas, Docket No. 9393, File No. BP-6831; KADA Broadcasting, Incorporated (KSMI), Wewoka, Oklahoma, Docket No. 9714, File No. PB-7502; for construction permits. James E. Murray, Vern Minor and Dorothy C. Murray (Transferors), The Hutchinson Publishing Company (Transferee), Docket No. 9610, File No. BTC-869; for consent to transfer of control of KWHK Broadcasting Company, Inc., licensee of Station KWHK, Hutchinson, Kansas.

The Commission having under consideration a petition filed June 30, 1950, by KWHK Broadcasting Company, Inc., requesting a continuance, for a period of at least thirty days, of the consolidated hearing on the above-entitled applications presently scheduled for July 18, 1950, at Hutchinson, Kansas, and July 21, 1950, at Wewoka, Oklahoma; and

It appearing, that the applicants for the construction permits have made engineering studies which indicate the conflict between the two applications may be eliminated and it is desirable to have the hearing continued in order that amendments reflecting the results of such engineering studies may be filed with the Commission; and

It appearing, that all parties to the above proceeding have consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration and grant of such petition;

It is ordered, This 5th day of July 1950, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued to August 22, 1950, at Hutchinson, Kansas and August 25, 1950, at Wewoka, Oklahoma.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6198; Filed, July 14, 1950; 8:58 a. m.]

[Docket No. 9485]

JENNINGS BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Jennings Broadcasting Company, Inc., Jennings, Louisiana, Docket No. 9485, File No. BP-7141; for construction permit.

The Commission having under consideration two petitions filed simultaneously on June 20, 1950, by the Jennings Broadcasting Company, Jennings, Louisiana; one a petition for leave to amend its above-entitled application to change the proposed transmitter site and make changes in technical data with respect to interference to the proposed station and overlap of the service areas of the proposed station and Station KSIG, Crowley, Louisiana, to eliminate excessive interference to the proposed station from KRGV, Westlaco, Texas, and to ameliorate the overlap condition; and the second, a petition requesting a 60-day continuance of the hearing herein on the above application, presently scheduled to be heard on July 12, 1950, in Washington, D. C., in order to afford an opportunity for the Commission to act on the petition for reconsideration and grant, which the Jennings Broadcasting Company also filed on June 20, 1950; and

It appearing that no opposition to either the petition for leave to amend or the petition requesting a 60-day continuance has been filed on behalf of the General Counsel and there are no other parties to this proceeding;

It is therefore ordered, This 30th day of June 1950, that the petition requesting leave to amend its application be and it is hereby granted, and the amendment is accepted; and

It is further ordered, That the petition requesting a 60-day continuance of the hearing herein, be and it is hereby granted, and the hearing herein is continued to September 14, 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6197; Filed, July 14, 1950; 8:58 a. m.]

[Docket Nos. 9622, 9623]

SUNLAND BROADCASTING CO. AND RIO GRANDE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Sunland Broadcasting Company, El Paso, Texas, Docket No. 9622, File No. BR-1879; for renewal of license of Station KSET, El Paso, Texas. Sunland Broadcasting Company (Assignor), Rio Grande Broadcasting Company (Assignee), Docket No. 9623, File No. BAL-946; for consent to assignment of the license of Station KSET, El Paso, Texas.

The Commission having under consideration a joint petition filed July 3, 1950, by Sunland Broadcasting Company and Rio Grande Broadcasting Company, applicants in the above-entitled proceeding, requesting a continuance to August 14, 1950, of the hearing presently scheduled for July 14, 1950, in El Paso, Texas; and

It appearing, that good and sufficient cause has been shown for the granting of such petition and public interest requires the consideration of such motion on this date;

It is ordered, This 5th day of July 1950 that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications now scheduled for July 14, 1950, be, and it is hereby, continued to August 14, 1950, at 10 o'clock a. m., in El Paso, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6199; Filed, July 14, 1950; 8:58 a. m.]

[Docket No. 9625]

NORTHEAST RADIO, INC. (WABW)

ORDER CONTINUING HEARING

In re application of Northeast Radio, Inc. (WABW), Lawrence, Massachusetts, Docket No. 9625, File No. BMP-4875, for modification of construction permit.

The Commission having under consideration the above-entitled application which was designated for hearing on April 13, 1950, and the hearing set for July 19, 1950, at Washington, D. C.;

It is ordered, This 10th day of July 1950, on the Commission's own motion, that the hearing in the proceeding upon the above-entitled application is continued to 10:00 a. m. Monday, August 21, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6202; Filed, July 14, 1950; 8:59 a. m.]

[Docket No. 9733]

W. WRIGHT ESCH (WMFJ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. Wright Esch (WMFJ), Daytona Beach, Florida, Docket No. 9733, File No. BP-7421; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WMFJ, Daytona Beach, Florida from 1450 kilocycles, 250 watts power, unlimited time to 1260 kilocycles, 1 kilowatt power, with a directional antenna for night use and to change type of transmitter and transmitter location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WMFJ, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C. at 10:00 a. m. on the 12th day of December 1950 upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMFJ, as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WMFJ, as proposed, would involve objectionable interference with Station CMCI, Havana, Cuba, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of Station WMFJ, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the nighttime coverage of the city of Daytona Beach, the areas and populations which will receive satisfactory service, the percentage of population residing within the 250 mv/m blanket contour and the possibility of cross-modulation and re-radiation problems with Station WNDB, Daytona Beach, Florida.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6200; Filed, July 14, 1950; 8:59 a. m.]

[Docket Nos. 9734, 9735]

INLAND RADIO, INC. (KSRV) AND EVERETT BROADCASTING CO., INC. (KRKO)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Inland Radio, Inc. (KSRV), Ontario, Oregon, Docket No. 9734, File No. BP-6859; The Everett Broadcasting Company, Inc. (KRKO), Everett, Washington, Docket No. 9735, File No. BMP-4888; for construction permit and for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1950;

The Commission having under consideration the above-entitled applications of Inland Radio, Inc., requesting a construction permit to change frequency from 1450 kc. to 1380 kc., increase power from 250 watts to 1 kilowatt and install a directional antenna for night use; and of The Everett Broadcasting Company, Inc. for modification of construction permit to make changes in the directional antenna pattern;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on December 14, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and areas to be served.

4. To determine whether the operation of Station KSRV as proposed, would involve objectionable interference with Station KOTA, Rapid City, South Dakota, and whether both proposals would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the high percentage of population within the 250 mv/m blanket contour of the KSRV, Ontario, Oregon proposal.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Black Hills Broadcast Company of Rapid City, licensee of Station KOTA, Rapid City, South Dakota is made a party to this

proceeding, with respect to the application of Station KSRV only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-6201; Filed, July 14, 1950; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1250]

BLUEFIELD GAS CO.

NOTICE OF AMENDED APPLICATION

JULY 11, 1950.

Take notice that Bluefield Gas Company (Applicant), a West Virginia corporation having its principal place of business at 718 Princeton Avenue, Bluefield, West Virginia, filed on June 23, 1950, an amendment to its application of August 4, 1949 (14 F. R. 5247), for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to purchase natural gas from Amere Gas Utilities Company at a point near Princeton, West Virginia, and to transport such gas through approximately 14.3 miles of 6⅝-inch O. D. pipeline which it proposes to construct from that point to its distribution system at Bluefield, West Virginia, and the distribution system of its subsidiary Commonwealth Public Service Corporation (Commonwealth) at Bluefield, Virginia. It also proposes to construct a pressure regulating station and appurtenant facilities. The estimated annual requirements of Applicant and Commonwealth are 110,600 Mcf. in 1951 and 235,000 Mcf. in 1954. The estimated peak day demand is 500 Mcf. in 1951 and 1,725 Mcf. in 1954.

The estimated over-all capital cost of the proposed facilities is $230,000 and will be financed through the sale of mortgage bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of July, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6109; Filed, July 14, 1950; 8:45 a. m.]

[Docket No. G-1433]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas for resale to Lea County Gas Company for service in Canutillo, Texas, and for such purpose to construct and operate a natural gas pipe line approximately 2 miles in length extending in a westerly direction from Applicant's present 6-inch line within El Paso County, Texas, together with a metering and regulator station with a delivery capacity of at least 36,000,000 cubic feet of gas per year and with a daily delivery capacity of at least 275,000 cubic feet of gas per day.

The estimated cost of the proposed facilities is $12,300 which will be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6134; Filed, July 14, 1950; 8:49 a. m.]

[Docket No. G-1431]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that The East Ohio Gas Company (Applicant), an Ohio corporation, address 1405 East Sixth Street, Cleveland 14, Ohio, filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas to the communities presently served by it and for such purpose to construct and operate a natural gas pipe line approximately 1 mile in length extending from a point near Petersburg, Ohio, at a proposed connection with a pipe line to be constructed by Applicant pursuant to the Commission's order in Docket No. G-1377 and extending for approximately 1 mile in a generally easterly direction to the Ohio-Pennsylvania State line where it will connect with a pipe line sought to be constructed by New York State Natural Gas Corporation in Docket No. G-1432.

The estimated cost of the proposed facilities is $40,940 which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6135; Filed, July 14, 1950; 8:49 a. m.]

[Docket No. E-6304]

GULF STATES UTILITIES CO. AND COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that on July 10, 1950, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Gulf States Utilities Company (hereinafter called "Gulf States") and Community Public Service Company (hereinafter called "Community"), for an order authorizing the sale by Gulf States to Community of its electric facilities in and adjacent to the City of Alvin, Texas, and the sale by Community to Gulf States of its electric facilities in and adjacent to the City of Woodville, Texas, or in the alternative, an order disclaiming jurisdiction over the transactions.

The application states that the consideration to be paid by Gulf States to Community for the property to be acquired in and adjacent to the City of Woodville, Texas, is $75,501 in cash, subject to certain adjustments, and the consideration to be paid by Community to Gulf States for the property to be acquired in and adjacent to the City of Alvin, Texas, is $317,368 in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Gulf States is a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas. Community is a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 31st day of July 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6136; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. G-1432]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JULY 11, 1950.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address 30 Rockefeller Plaza, New York, N. Y., filed on June 30, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described. Applicant proposes to transport natural gas for resale to the East Ohio Gas Company and for such purpose

to construct and operate a natural gas pipe line approximately 62 miles in length extending from a connection on its existing general pipe-line system at the John B. Tonkin compressor station in Westmoreland County, Pennsylvania, to a point on the Pennsylvania-Ohio State boundary line where the pipe line will connect with a proposed pipe line to be constructed by the East Ohio Gas Company in Docket No. G-1431, together with metering stations. Applicant proposes to transport a maximum volume of 3,600,000 Mcf. per year during the winter period to the East Ohio Gas Company.

The estimated cost of the proposed facilities is $3,792,806 which will be obtained by the sale of securities to Applicant's parent, the Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August, 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6137; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. G-1297]

CITIES SERVICE GAS CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

JULY 12, 1950.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its order entered July 11, 1950, permitting withdrawal of application for certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6138; Filed, July 14, 1950; 8:51 a. m.]

[Docket No. E-6302]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF COMMON STOCK

JULY 12, 1950.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its order entered July 11, 1950, authorizing and approving issuance of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6139; Filed, July 14, 1950; 8:52 a. m.]

[Docket Nos. ID-1058, ID-1118, and ID-1141]

W. J. ROSE ET AL.

NOTICE OF AUTHORIZATIONS

JULY 12, 1950.

In the matters of W. J. Rose, Docket No. ID-1058; Albert S. Corson, Docket No. ID-1118; George L. Draffan, Docket No. ID-1141.

Notice is hereby given that, on July 11, 1950, the Federal Power Commission issued its orders entered July 11, 1950, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-6140; Filed, July 14, 1950; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

Section 22 (b) (5) is hereby amended to read as follows:

State, City, and Address	*Jurisdiction*
Alabama:	
Birmingham, 225 3d Ave. North	Entire State.
Mobile,[1] Federal Bldg	(See Birmingham.)
Alaska: Juneau, Community Bldg	Entire Territory.
Arizona:	
Phoenix, 140 South Central Ave	Entire State.
Tucson,[1] 112 West Washington St.	(See Phoenix.)
Arkansas: Little Rock, Old Post Office Bldg.	Entire State.
California:	
Fresno,[1] Anglo Bank Bldg	(See San Francisco.)
Long Beach, Times Bldg	Orange County, and that portion of Los Angeles County, bounded as follows: Western boundary: Alameda Street from Wilmington Harbor North to Olive St. Northern boundary: Olive Street and Center Street East to Orange County Line. Eastern boundary: Orange County Line. Southern boundary: Pacific Ocean (San Pedro Bay).
Los Angeles, Rives Strong Bldg	Counties of Inyo, Kern, Los Angeles (except that portion under the Long Beach office), Mono, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.
Sacramento, 725½ Jay St	Counties of Amador, Butte, Calaveras, Colusa, Eldorado (Western half), Glenn, Nevada (Western half), Placer (Western half), Sacramento, San Joaquin, Shasta, Siskiyou, Sutter, Tehaman, Trinity, Tuolumne, Yolo, and Yuba.
San Bernardino,[1] C. M. and H. Bldg.	(See Los Angeles.)
San Diego, Harbor Insurance Bldg.	Counties of Imperial and San Diego.
San Francisco, 180 New Montgomery St.	Counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.
Colorado: Denver, Commonwealth Bldg.	Entire State.
Connecticut:	
Bridgeport,[1] Cilco Bldg	(See Hartford.)
Hartford, Room 301, 125 Trumbull St.	Entire State.
Delaware: Wilmington,[1] Eckerd Bldg	(See Philadelphia.)
District of Columbia: Washington, Horner Bldg.	District of Columbia and the Counties of Calvert, Charles, Prince Georges, St. Marys, and Montgomery in Maryland and the Counties of Fairfax and Arlington, and the City of Alexandria in Virginia.
Florida:	
Jacksonville, Greenleaf Bldg	Counties North and East of Citrus and North of Polk, Osceola, and Brevard.
Miami, Coral Gables City Hall	Counties of Brevard, Broward, Charlotte, Collier, Dade, Glades, Hendry, Indian River, Lee, Martin, Monroe, Okeechobee, Palm Beach, and St. Lucie.
Tampa, 1529 Grand Central Ave	Counties of Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Manatee, Osceola, Pinellas, Pasco, Polk, and Sarasota.
Georgia:	
Atlanta, 101 Marietta St	Entire State except Dade, Walker, and Catoosa Counties. (See Memphis.)
Savannah,[1] Federal Bldg	(See Atlanta.)
Hawaii: Honolulu, Federal Bldg	Entire Territory.

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

State, City, and Address	Jurisdiction
Idaho: Boise, Sun Bldg.	Entire State except Counties of Benewah, Bonner, Boundary, Clear Water, Kootenai, Latah, Nez Perce, Shoshone, Lewis, and Idaho. (See Spokane, Washington) and Counties of Baker, Malheur, Union, and Wallowa in Oregon.
Illinois:	
Chicago, Merchandise Mart Bldg.	Counties North of Mercer, Henry, Bureau, La Salle, Livingston, Ford, and Iroquois.
Springfield, Adams Bldg.	Counties South of Rock Island, Whiteside, Lee, Dekalb, Grundy, and Kankakee.
Indiana:	
Gary,[1] Post Office Bldg.	(See Indianapolis.)
Indianapolis, Marott Bldg.	Entire State.
Iowa: Des Moines, Equitable Bldg.	Entire State.
Kansas:	
Topeka, National Bank Bldg.	Entire State.
Wichita,[1] Wheeler Kelly Hagny Bldg.	(See Topeka.)
Kentucky: Louisville, Post Office Bldg.	Entire State.
Louisiana:	
New Orleans, Farm Credit Administration Bldg.	Parishes South of Vernon, Rapides, Avoyelles, and Concordia.
Shreveport, 205 Milan St.	Parishes North of Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, and West Feliciana.
Maine: Bangor, Exchange Bldg.	Entire State.
Maryland: Baltimore, Fidelity Bldg.	Entire State except Counties of Calvert, Charles, Prince Georges, St. Marys, and Montgomery. (See District of Columbia) and Accomac and Northampton Counties in Virginia.
Massachusetts:	
Boston, Custom House	Entire State.
Springfield,[1] 95 State St.	(See Boston.)
Worcester,[1] Post Office-Court House Bldg.	(See Boston.)
Michigan:	
Detroit, Penobscot Bldg.	Counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne.
Flint,[1] 432 North Saginaw St.	(See Detroit.)
Grand Rapids, Grand Rapids National Bank Bldg.	Entire State except the Counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee Tuscola, Washtenaw, and Wayne.
Minnesota: Minneapolis, New Post Office Bldg.	Entire State except the Counties of Clay, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau. (See Fargo, N. D.)
Mississippi: Jackson, Lamar Life Bldg.	Entire State except Counties of Alcorn, Benton, De Soto, Marshall, Prentiss, Tate, Tippah, Tishomingo, and Tunica. (See Memphis, Tenn.)
Missouri:	
Kansas City, Fidelity Bldg.	Counties West of Putnam, Sullivan, Macon, Randolph, Boone, Cole, Miller, Pulaski, Texas, Shannon, and Oregon.
St. Louis, 315 North 7th St.	Counties East of Mercer, Grundy, Linn, Charitan, Howard, Cooper, Moniteau, Morgan, Camden, Laclede, Wright, Douglas, and Howell.
Montana: Helena, Federal Bldg.	Entire State.
Nebraska: Omaha, Woodmen of the World Bldg.	Entire State.
Nevada: Reno, Lunsford Bldg.	Entire State and the Counties of Alpine, Lassen, Modoc, Plumas, Sierra, and the Eastern Half of Nevada, Placer, and El Dorado Counties in California.
New Hampshire: Manchester, Post Office Bldg.	Entire State.
New Jersey:	
Camden, Post Office Bldg.	Counties South of Mercer and Monmouth.
Newark, Raymond Commerce Bldg.	Counties North of Burlington and Ocean.
New Brunswick,[1] Bank of New Jersey Bldg.	(See Newark.)
New Mexico: Albuquerque, 405 North 2d St.	Entire State and Counties of Brewster, Culbertson, El Paso, Hudspeth, Jeff Davis, Loving, Presidio, and Reeves in Texas.
New York:	
Albany, City and Savings Bank Bldg.	Counties North of Sullivan, Ulster, and Dutchess, and East of Wayne, Seneca, Tompkins, and Broome.
Buffalo, Ellicott Square Bldg.	Counties West of Cayuga, Cortland, Chenango, and Delaware.
New York City, 90 Church St.	Counties South of Delaware, Greene, and Columbia.
Rochester,[1] Terminal Bldg.	(See Buffalo.)
North Carolina:	
Greensboro, Guilford Bldg.	Entire State.
Charlotte,[1] Robinson Bldg.	(See Greensboro.)
Raleigh,[1] York Bldg.	(See Greensboro.)
North Dakota, Fargo, deLendrecie Bldg.	Entire State and the Counties of Clay, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau in Minnesota.
Ohio:	
Cincinnati, Fifth-Third Union Trust Bldg.	Counties South of Darke, Miami, Clark, and West of Fayette, Ross, Pike, and Scioto.
Cleveland, New Post Office Bldg.	Counties North of Van Wert, Allen, Hardin, Marion, Morrow, Knox, Coshocton, Guernsey, and Belmont.
Columbus, Old Post Office Bldg.	Counties South of Paulding, Putnam, Hancock, Wyandot, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, Jefferson, and North of Preble, Montgomery, Greene, and Highland.
Dayton,[1] Post Office Bldg.	(See Cincinnati.)
Oklahoma:	
Oklahoma City, Leonhardt Bldg.	Counties West of Osage, Pawnee, Creek, Okfuskee, Hughes, Coal, Atoka, and Bryan.
Tulsa, 106 East 3d St.	Counties East of Kay, Noble, Payne, Lincoln, Seminole, Pontotoc, Johnson, and Marshall.
Oregon: Portland, Platt Bldg.	Entire State except Counties of Baker, Malheur, Union, and Wallowa. (See Boise, Idaho) but including the Counties of Clark, Klickitat, and Skamania in Washington.
Pennsylvania:	
Philadelphia, Robinson Bldg.	Counties East of Potter, Cameron, Clearfield, Huntingdon, and Fulton, and the entire State of Delaware.
Pittsburgh, Henry W. Oliver Bldg.	Counties West of Tioga, Clinton, Centre, Mifflin, Juniata, Perry, and Franklin.
Puerto Rico: San Juan, Banco Popular Bldg.	Entire Island.
Rhode Island: Providence, Old Colony House.	Entire State.
South Carolina: Columbia, Federal Land Bank Bldg.	Entire State.
South Dakota: Sioux Falls, Minnehaha Bldg.	Entire State.

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

State, City, and Address	Jurisdiction
Tennessee:	
Knoxville,[1] Post Office Bldg.	(See Memphis.)
Memphis, Federal Bldg.	Entire State and Tunica, DeSoto, Tate, Marshall, Benton, Tippah, Alcorn, Prentiss, and Tishomingo Counties in Mississippi, and Walker, Dade, and Catoosa Counties in Georgia.
Nashville,[1] U. S. Court House Bldg.	(See Memphis.)
Texas:	
Amarillo,[1] Post Office Bldg.	(See Fort Worth.)
Beaumont,[1] Federal Bldg.	(See Houston.)
Dallas, Santa Fe Bldg.	Counties East of Montague, Wise, Tarrant, Johnson, Bosque, Hamilton, Lampasas, North of Williamson, Milam, Robertson, Leon, Houston, Angelina, Nacogdoches, and Shelby.
Fort Worth, Electric Bldg.	Counties West of Cooke, Denton, Dallas, Ellis, Hill, McLennan, Coryell, and North of Burnet, Llano, Mason, Menard, Schleicher, Crockett, and Terrell, except Loving, Reeves, Jeff Davis, Brewster, Presidio, Culberson, Hudspeth, and El Paso Counties. (See Albuquerque, N. Mex.)
Houston, Rusk Bldg.	Counties East of Calhoun, Victoria, DeWitt, Gonzales, Caldwell, Bastrop, Lee, Burleson, Milam, and South of Falls, Limestone, Freestone, Anderson, Cherokee, Rusk, and Panola.
Lubbock,[1] Lubbock National Bank Bldg.	(See Fort Worth.)
San Antonio, 610 South Flores St., Bldg. No. 3.	Counties South of Pecos, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Lampasas, Bell, Falls, and West of Robertson, Brazos, Washington, Fayette, Lavaca, and Jackson.
Utah: Salt Lake City, Dooly Bldg.	Entire State.
Vermont: Burlington, Union Station	Entire State.
Virginia:	
Norfolk,[1] Flatiron Bldg.	(See Richmond.)
Richmond, Parcel Post Bldg.	Entire State except City of Alexandria, Arlington, and Fairfax Counties. (See District of Columbia) and Accomac and Northampton Counties. (See Baltimore.)
Roanoke,[1] Shenandoah Bldg.	(See Richmond.)
Washington:	
Seattle, Dexter-Horton Bldg.	Entire State except Counties of Clark, Skamania, and Klickitat. (See Portland, Oregon), and Counties West of Ferry, Grant, and Benton. (See Spokane.)
Spokane, Review Bldg.	Counties East of Okanogan, Douglas, Kittitas, Yakima, and Klickitat; and Counties of Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, Shoshone, Lewis, and Idaho in Idaho.)
Tacoma, South 11th St.	(See Seattle.)
West Virginia: Charleston, Chamber of Commerce Bldg.	Entire State.
Wisconsin: Milwaukee, Wisconsin Broadway Bldg.	Entire State.
Wyoming: Cheyenne, U. A. L. Administration Bldg.	Entire State.

[SEAL]

VINCENT A. CARLIN,
Director, Administrative Services.

[F. R. Doc. 50-6120; Filed, July 14, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25236]

FABRICATED BRIDGE MATERIAL FROM GARY, IND.

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3647.

Commodities involved: Fabricated bridge material, iron or steel, carloads.

From: Gary, Ind.

To: Fordoche, McKneeley, and Melville, La.

Grounds for relief: Potential competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3647, Supplement 261.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6126; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25237]

VARIOUS COMMODITIES FROM ILLINOIS TERRITORY TO SOUTH

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 485 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From: Points in Illinois territory.

To: Points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-6127; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25238]

PETROLEUM FROM MONTANA TO MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Petroleum and petroleum products, carloads.

[1] Indicates a service office serving adjacent areas but reporting to an insuring office as indicated.

From: Great Falls, Lewistown and West Lewistown, Mont.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Market competition and to restore rate relationships.

Schedules filed containing proposed rates: CMStP&P., tariff I. C. C. No. B-7358, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6128; Filed, July 14, 1950; 8:48 a. m.]

[4th Sec. Application 25239]

IRON OR STEEL PIPE FROM TEXAS TO ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

JULY 12, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pipe, steel or wrought iron, carloads.

From: Houston, Orange and Galveston, Tex.

To: Points in Illinois and Missouri.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 458.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6129; Filed, July 14, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2393]

RHODE ISLAND POWER TRANSMISSION CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Notice is hereby given that a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Rhode Island Power Transmission Company ("Rhode Island"), a wholly owned public-utility subsidiary company of The Narragansett Electric Company ("Narragansett") which, in turn, is a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company. Rhode Island designates section 12 (c) and (f) of the act and Rules U-23, U-24, U-43 (a) and U-46 (a) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 19, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 19, 1950, said declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Rhode Island, which owns, among other things, certain transmission lines connecting Narragansett's electric properties with the transmission lines of other companies in the NEES holding company system, proposes to sell to Narragansett all of its properties and assets for $949,327, subject to certain adjustments. Narragansett will pay for such properties and assets by: (a) the cancellation of Rhode Island's indebtedness to it in the amount of $500,000 evidenced by a demand note bearing interest at the rate of 4 percent per annum and in the amount of $396,323 on open account, aggregating $896,323 as at March 31, 1950, (b) the assumption of Rhode Island's liabilities, (c) the payment of all expenses in connection with the transaction and (d) the conveyance to Rhode Island of its demand note or other acceptable obligation representing the balance of the purchase price, or certificates representing all of Rhode Island's 5,000 shares of $100 par value capital stock with a notation stamped thereon that there has been paid on account thereof the net amount distributable in connection with the subsequent liquidation and dissolution of Rhode Island.

Both Rhode Island and Narragansett have filed applications with the Public Utilities Administrator of Rhode Island and with the Federal Power Commission regarding the proposed transactions.

Incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Total expenses, including those of New England Power Service Company in the estimated amount of $1,000, are estimated at $2,500.

Rhode Island requests that its declaration become effective, pursuant to the Commission's Rule U-23, forthwith upon the issuance of the Commission's order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6111; Filed; July 14, 1950; 8:46 a. m.]

[File No. 812-674]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of The Equity Corporation, Industrial Insurance Company, Hawkeye Casualty Company, Security Fire Insurance Company, Erie Insurance Company, Northeastern Insurance Company of Hartford, Thomas J. Fisher & Company, Inc., File No. 812-674.

Notice is hereby given that The Equity Corporation (Equity), 103 Park Avenue, New York, New York, has filed an amended application pursuant to section 6 (c) of the Investment Company Act of 1940 requesting an order exempting from section 17 (e) (1) of the act, the acceptance by Thomas J. Fisher & Company, Inc. (Fisher), its agents and employees, of commissions arising from the sale of insurance policies by Fisher, as agent, for any insurance company at present or in the future affiliated with Equity, including Industrial Insurance Company (Industrial), Hawkeye Casualty Company (Hawkeye), Security Fire Insurance Company (Security), Erie Insurance Company (Erie), and Northeastern Insurance Company of Hartford (Northeastern).

Equity is a registered investment company which through indirect stock ownership controls Fisher and all of the above named insurance companies. Sec-

tion 17 (e) (1) of the act makes it unlawful for Fisher or any person affiliated with it, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for any controlled company of Equity. The application therefore requests an exemptive order permitting Fisher, its agents and employees, to enter into agency arrangements with Industrial, Hawkeye, Security, Erie, Northeastern and any other insurance company which is or may be controlled by Equity, for the sale of various types of insurance policies. Pursuant to the proposed agency arrangements, Fisher will receive commissions ranging from 15% to 30% of net premiums in conection with insurance sold by it, plus a contingent fee representing 15% of the net profits, if any, accruing to the insurance company from such insurance.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after July 28, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 26, 1950, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6112; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2429]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Natural Gas Company, a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 24, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Michigan-Wisconsin proposes to enter into a credit agreement with certain banks hereinafter named which will commit such banks to loan Michigan-Wisconsin, from time to time upon demand prior to June 30, 1951, sums aggregating a maximum of $20,000,000 as follows:

The National City Bank of New York	$6,666,667
Central Hanover Bank & Trust Co., New York	6,666,667
Mellon National Bank & Trust Co., Pittsburgh, Pa.	6,666,666
Total	20,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and the first borrowing of at least $4,350,000 is to be made promptly upon execution of the credit agreement. The remainder of the credit is to be taken down in amounts of not less than $4,350,000 each as additional funds are needed. Each borrowing shall be made from each of the banks pro rata in proportion to their respective commitments and shall be evidenced by a separate note maturing July 1, 1952 and bearing interest at 2½ percent per annum payable quarterly on the first day of January, April, July and October of each year. The credit agreement provides that the notes may be prepaid in whole or in part, but if in part, then only in amounts of $600,000 or multiples thereof, and if prepayment is made directly or indirectly from the proceeds of loans to the Company by banks not parties to the credit agreement, a prepayment penalty to be paid at the rate of one-quarter of one per cent (¼ of 1 percent) per annum, computed for the period from the date of prepayment to the maturity date of the notes being prepaid. A commitment fee is to be paid computed at the rate of one-half of one per cent (½ of 1 percent) per annum on the average daily unused balance of the commitment from the date of the credit agreement to June 30, 1951, or until the entire $20,000,000 shall have been taken down, whichever shall occur first.

The Company is to covenant that (a) if it shall not have received $3,000,000 in cash either through the sale of shares of its preferred stock, common stock or debt obligations subordinated to the notes to be issued under the credit agreement, the Company on or before July 1, 1951, will prepay $3,000,000 principal amount of the notes; (b) it will not without the prior written consent of the banks (i) pay dividends on its common stock in excess of the amount permitted by the Mortgage and Deed of Trust, dated September 1, 1948, to City Bank Farmers Trust Company and George W. Dillon, Trustees; (ii) incur obligations on account of other borrowings unless subordinated to the proposed notes, except first mortgage bonds issued under said Mortgage and Deed of Trust or any mortgage indenture supplementing or replacing the same, the proceeds of which shall be applied first to the prepayment of the proposed notes; or (iii) merge or consolidate with or into any other company.

It is stated that the proceeds from the first borrowing under the credit agreement are to be used, to the extent necessary, to prepay all then outstanding nine-month notes of the Company to the banks who are parties to the credit agreement. The remaining proceeds obtained under the commitment are to be used to finance the construction of additional pipe line facilities. It is also stated that at the appropriate time, after the new facilities are installed and operating, with a consequent expansion of earning power, the Company proposes to consummate a permanent financing program which will provide for additional equity and the elimination of the notes issued under the Credit Agreement.

It is stated that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issuance and sale of notes is exempt from the competitive bidding requirements of Rule U-50 because of the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, by July 20, 1950, or as soon thereafter as the convenience of the Commission will permit, authorizing the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-6113; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2430]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND CAMBRIDGE STEAM CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("New England"), a registered holding company and its subsidiary, Cambridge Steam Corporation ("Cambridge"). Applicants-declarants have designated sections 6 (b), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 24, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cambridge proposes to issue and sell to New England, its sole stockholder, 1,500 additional shares of common stock having a par value of $100 per share, at the price of $100 per share as fixed by the Board of Directors. Cambridge proposes to apply the proceeds from the sale of said securities to reimburse current assets for amounts invested in plant improvement and extensions and the balance to financing the proposed 1950 construction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6114; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2426]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, Newport Gas Light Company, Penn-Western Service Corporation, File No. 70-2426.

The Commission having on September 3, 1948 issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the "Act") directing, among other things, that Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, dispose of its interest in The Newport Gas Light Company ("Newport"), a subsidiary of Penn Corp;

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the act by Penn Corp, Newport, and Penn-Western Service Corporation ("Penn-Western"), an approved service company and a subsidiary of Penn Corp, relating to the proposed sale by Penn Corp of its investment in the capital stock of Newport and certain transactions incident to such sale. The applicants-declarants have designated section 12 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Penn Corp proposes to sell to Mrs. Dorothy B. Daley, Mrs. Dorothy P. Rich, John F. Rich, John J. O'Brien and certain other persons all of the outstanding capital stock of Newport, consisting of 5,000 shares of capital stock with a par value of $100 a share, for a cash consideration of $550,000. According to the filing, the proceeds from the sale of Newport's capital stock will be used to reduce the debenture indebtedness of Penn Corp, pursuant to a plan previously filed under section 11 (e) of the act and as to which hearings have been held.

The filing states that Penn Corp has carried on negotiations for the sale of Newport with various prospective buyers since February 1949, and that the highest offer received was that referred to above.

Newport is a gas utility company engaged in the production of manufactured gas and the distribution thereof in Newport, Rhode Island, and adjacent territory. According to a balance sheet of the company dated May 31, 1950, its outstanding securities consist of $276,000 principal amount of first mortgage bonds and the aforementioned 5,000 shares of capital stock of $100 par value per share, which had a book value on such date of $917,316. For the 12 months ended May 31, 1950, operating revenues of the company were $544,836 and net income applicable to the common stock was $34,158. Such earnings were stated after estimated provisions for Federal income taxes based on the filing of a consolidated tax return with the parent company, Penn Corp.

In connection with the proposed sale of Newport's capital stock by Penn Corp, Newport proposes to donate to Penn-Western its holding of 50 shares of the capital stock of Penn-Western, and Penn-Western proposes to pay to Penn Corp the amount originally paid by Penn Corp to Penn-Western for such shares, namely $500. It is proposed that the service contract between Newport and Penn-Western be terminated on the date of closing of the sale of Newport's capital stock.

The applicants and declarants have requested that the Commission's order be issued at such time as to permit consummation of the proposed sale not later than July 18, 1950.

Notice is further given that any interested person may, not later than July 17, 1950 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 17, 1950, said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6115; Filed, July 14, 1950; 8:46 a. m.]

[File No. 70-2417]

MILWAUKEE GAS LIGHT CO.

MEMORANDUM FINDINGS AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1950.

Milwaukee Gas Light Company ("Milwaukee"), a public utility subsidiary of American Natural Gas Company, a registered holding company, has filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act"), with respect to the following transactions:

Milwaukee proposes to enter into a credit agreement, not later than July 27, 1950, with certain banks hereinafter named which will commit such banks to advance to Milwaukee, from time to time upon its demand and prior to December 31, 1950, sums aggregating a maximum of $3,500,000 as follows:

The National City Bank of New York	$1,000,000
Central Hanover Bank & Trust Co. of New York	1,000,000
Mellon National Bank & Trust Co of Pittsburgh, Pa	1,000,000
First Wisconsin National Bank of Milwaukee	500,000

It is contemplated that the first advance will be made shortly after the execution of the credit agreement and the remainder of the credit will be taken down in amounts of $700,000 or multiples thereof as funds are needed. Each advance by each bank is to be evidenced by a note bearing interest at the rate of 2½ percent per annum and maturing on April 27, 1951. The credit agreement

provides that the notes may be prepaid at any time without penalty in amounts of $700,000, or multiples thereof, except that a prepayment penalty of ¼ of 1 percent per annum shall be paid for the unexpired term of the notes being prepaid if prepayment is made from the proceeds of borrowings from banks other than the banks participating in the credit agreement. A commitment fee will be paid computed at the rate of ½ of 1 percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950, or until the entire $3,500,000 shall have been taken down, whichever shall occur first.

The declaration states that the proceeds from the proposed bank loans will be utilized by Milwaukee to finance its immediate construction requirements. Prior to October 1950, the company contemplates a permanent financing program which would include the retirement of all of its presently outstanding senior securities, consisting of $21,834,000 principal amount of debt securities and $2,000,000 par value of preferred stock, through the issuance of $27,000,000 principal amount of bonds, $6,000,000 of preferred stock and $3,000,000 of common stock. While this program is set forth in the instant application, all that we are doing now is approving the temporary financing to provide for immediate construction requirements and our action is in no may to be construed as an indication that we are giving any approval to the projected refinancing program.

Milwaukee estimates that the fees and expenses to be incurred in connection with the proposed transactions will aggregate $3,000, including legal fees of $1,500.

It is represented that no approval or consent of any regulatory body, other than this Commission, is necessary for the consummation of the proposed transactions.

Said declaration having been filed on June 5, 1950, and the amendment thereto having been filed on July 3, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and observing no basis for adverse findings, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-6116; Filed, July 14, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14776]

SEIICHIRO IWASAKI

In re: Stock owned by Seiichiro Iwasaki, also known as Seiichiro Iwaski. F-39-1037-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiichiro Iwasaki, also known as Seiichiro Iwaski, whose last known address is Sagacho, Fukazawa, Tokio, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-four (24) shares of no par value common capital stock of State Street Investment Corporation, 140 Federal Street, Boston 10, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by 3 certificates numbered C52166 for six shares, C2041 for five shares and C18225 for one share of no par common stock of said State Street Investment Corporation, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and the right to receive a new certificate for 24 shares of no par value common stock of the aforesaid State Street Investment Corporation, in accordance with a 2 for 1 split of April 14, 1944,

b. Three (3) shares of ten cent ($0.10) par value common capital stock of American General Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C060261, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon.

c. Six (6) shares of no par value common capital stock of Consolidated Equities Inc., formerly known as Incorporated Investors Equities, 1 Court Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by a certificate numbered 2694, for six shares of no par value stock of Incorporated Investors Equities, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and the right to receive a new certificate for six shares of no par value common stock of the aforesaid Consolidated Equities Inc.,

d. Three (3) shares of $1.00 par value common capital stock of Standard Power & Light Corporation, 15 Exchange Place, Jersey City 2, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C04421, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon,

e. Twenty-two (22) shares of $1.00 par value common capital stock of United States Electric Power Corporation, 1 Exchange Place, Jersey City, New Jersey, evidenced by a certificate numbered NC0392 for 6 shares and a certificate numbered JU41499 for 16 shares, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon,

f. Fifteen shares of $6.00 cumulative preferred capital stock of General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NP01379, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder, including particularly, but not limited to the right to receive a cash distribution of $74.52 per share, fifteen (15) shares of $1.50 cumulative preferred capital stock of Stokely Foods, Inc., forty and two-fifths (40⅖) shares of common capital stock of Stokely Foods, Inc., fifty five-hundredths (50/500) shares of common scrip of Stokely Foods, Inc., ninety-four (94) shares of common capital stock of First York Corporation, five hundred one-thousandths (500/1000) shares of common scrip of First York Corporation, together with all declared and unpaid dividends applicable to the shares of stock received under such exchange,

g. Thirty (30) shares of common capital stock of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a certificate numbered NC010629, registered in the name of Seiichirō Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and any and all rights to receive one-fifth (⅕) share of common capital stock of Stokely Foods, Inc., together with all declared and unpaid dividends applicable to the stock received under such exchange,

h. Thirty-four (34) stock purchase warrants of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a

certificate numbered NC 952, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6149; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14815]

MATSUSUKE TENGAN

In re: Rights of Matsusuke Tengan under Insurance Contract. File No. D-39-19069-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsusuke Tengan, whose last known address is Okinawa, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,650,373, issued by The Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Yoshio Tengan, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director.
Office of Alien Property.

[F. R. Doc. 50-6150; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14816]

JOHN ROBERT TISCHBEIN

In re: Estate of John Robert Tischbein, deceased. File No. D-28-9767; E. T. sec. 13721.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Claerchen Tischbein, Eduard Tischbein, Erika Mueller, Gertrud Von Deritz, nee Mueller, Ilse Mueller, Liselotte Wolfe, nee Mueller, Ingeborg Haselbach, nee Mueller and Hildegard Mueller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of John Robert Tischbein, deceased, and in and to the Trust created under the will of John Robert Tischbein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bertha Tischbein, as Executrix, acting under the judicial supervision of the County Court, Passaic County, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6151; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14818]

MARIE WUERTZ

In re: Rights of Marie Wuertz under Insurance Contract. File No. F-28-7982-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wuertz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 20137, issued by the Lutheran Mutual Life Insurance Company, Waverly, Iowa, to Phillip J. Wuertz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6152; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14562, Amdt.]

ANNA SCHIERNING

In re: Securities owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased. D-28-12586-G-1.

Vesting Order 14562, dated April 13, 1950, is amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two thousand (2,000) shares of no par value common stock of the Charles Leich and Company, 420 N. W. Fifth Street, Evansville 1, Indiana, evidenced by a certificate numbered 734, registered in the names "Walter Leich and Herbert Leich, Trustees" and presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, and any and all declared and unpaid dividends thereon,

b. That certain debt or other obligation evidenced by a certificate of indebtedness issued by Carl, Clarence, Herbert and Walter Leich, in the original face amount of $24,773.67, bearing endorsements of principal payments totaling $18,555.49, presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same and any and all rights in, to and under the aforesaid certificate of indebtedness,

c. That certain debt or other obligation evidenced by a promissory note dated at Evansville, Indiana, September 30, 1949, issued by Frances Leich Hanson, to Walter Leich and Alexander L. Leich, as trustees, in the original principal sum of $6,185.99, presently in the possession of the Attorney General of the United States, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same and any and all rights in, to and under the aforesaid promissory note,

d. Thirty nine (39) United States Government, Series G Bonds, of the face value, dated and bearing the serial number listed below:

Date	Serial No.	Face value
October 1948	M6002-877G	$1,000.00
	M6002-878G	1,000.00
	M6002-879G	1,000.00
	M6002-880G	1,000.00
February 1949	C5274-455G	100.00
	D3058-853G	500.00
	C5423-860G	100.00
	C5423-384G	100.00
	C5423-385G	100.00
April 1949	M6929-439G	1,000.00
	C5427-390G	100.00
June 1949	C5539-836G	100.00
	C5539-837G	100.00
July 1949	M7074-242G	1,000.00
	V1026-158G	5,000.00
	C5540-981G	100.00
	C5540-982G	100.00
	C5540-983G	100.00
	C5540-984G	100.00
	D3197-525G	500.00
September 1949	C5545-976 G	100.00
	C5545-977 G	100.00
	C5545-978 G	100.00
	C5545-979 G	100.00
	D3201-117 G	500.00
	M7196-196 G	1,000.00
	M7196-197 G	1,000.00
	M7196-198 G	1,000.00
	M7196-199 G	1,000.00
	X941-823 G	10,000.00
October 1949	C5547-449 G	100.00
	C5547-450 G	100.00
	C5547-451 G	100.00
	C5547-452 G	100.00
	D3246-443 G	500.00
April 1950	C5732-052 G	100.00
	C5732-053 G	100.00
	C5732-054 G	100.00
	D3310-632 G	500.00

said bonds presently in the custody of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, and any and all rights thereunder and thereto, and

e. That certain debt or other obligation of Walter Leich and Alexander L. Leich, Trustees, 420 N. W. Fifth Street, Evansville 1, Indiana, in the amount of $277.19, as of June 14, 1949, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Schierning, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6155; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14829]

GUSTAV EDUARD AHLFF

In re: Trust under the will of Gustav Eduard Ahlff, also known as Gus E. Ahlff, deceased. File: D-28-9374; E. & T. sec. 12433.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Molly Ahlff, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the trust established under the will of Gustav Eduard Ahlff, also known as, Gus E. Ahlff, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in process of administration by Ralph B. Brown, as trustee, acting under the judicial supervision of the Superior Court of Colusa County, California

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6153; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14837]

JUICHI AND MASUNO NISHIMOTO

In re: Rights of Juichi Nishimoto and Masuno Nishimoto under Insurance Contract. File No. F-39-5962-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juichi Nishimoto and Masuno Nishimoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 565,533, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Juichi Nishimoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Juichi Nishimoto or Masuno Nishimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6154; Filed, July 14, 1950; 8:54 a. m.]

[Vesting Order 14582, Amdt.]

HIDESHIGE KASHIWAGI

In re: Stock owned by Hideshige Kashiwagi. F-39-6138-D-1, F-39-6138-A-1.

Vesting Order 14582, dated April 21, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (e) of said Vesting Order 14582, the certificate number NY 28744, set forth with respect to common capital stock of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, and substituting therefor certificate number NYZ 8744.

All other provisions of said Vesting Order 14582 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6156; Filed, July 14, 1950; 8:55 a. m.]

[Vesting Order 14631, Amdt.]

L. SIPPELL-PRUMERS

In re: Stock owned by L. Sippell-Prumers. Vesting Order 14621, dated May 1, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (a) of said Vesting Order 14621 the certificate number D-156-300 set for with respect to one hundred (100) shares of $10.00 par value common capital stock of the General Motors Corporation registered in the name of N. V. Amsterdamsche Administratiekantoor van Amerikaansche Waarden, and substituting therefor the certificate number D-156-330.

All other provisions of said Vesting Order 14621 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-6157; Filed, July 14, 1950; 8:55 a. m.]